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DEBATES

—OF—

THE SENATE

—OF THE—

DOMINION OF CANADA

1885.

REPORTED, EDITED, AND PUBLISHED

BY

HOLLAND BROS.,

Official Reporters of the Senate of Canada, Ottawa.

THIRD SESSION—FIFTH PARLIAMENT.

OTTAWA:
PRINTED BY A. S. WOODBURN ELGIN ST
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THE DEBATES

—OF THE—

SENATE OF CANADA,

—IN THE—

THIRD SESSION OF THE FIFTH PARLIAMENT OF THE DOMINION OF CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS ON THE 29TH OF JANUARY, 1885, IN THE FORTY-EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THE SENATE.

Ottawa, Thursday, January 29th, 1885.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATORS.

The SPEAKER presented to the House communications from the Clerk of the Crown in Chancery, certifying that His Excellency the Governor General had summoned to the Senate the Honorable Messrs.

William McDONALD, of Cape Breton, N. S., in the room of the late Hon. Mr. Bourinot,

Joseph BOLDUC, of St. Victor de Tring, Que., in the room of the late Hon. Mr. Pozer,

Hon. Theodore ROBITAILLE, of New Carlisle, Que., in the room of Hon. Louis Robitaille, resigned,

Michael SULLIVAN, of the City of Kingston, Ont., and

Hon. James Robert GOWAN, of the Town of Barrie, Ont.

Hon. Messrs. McDonald, Bolduc and Robitaille were then introduced, and having taken the Oath prescribed by law, took their seats.

The House was adjourned during pleasure.

SPEECH FROM THE THRONE

This day, at THREE o'clock P. M., HIS EXCELLENCY THE GOVERNOR-GENERAL proceeded in state to the Chamber of the Senate, in the Parliament Buildings, and took his seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, HIS EXCELLENCY was pleased to open the THIRD SESSION of the FIFTH PARLIAMENT OF THE DOMINION OF CANADA, with the following Speech :—

Honourable Gentlemen of the Senate,

Gentlemen of the House of Commons :

In again meeting you for the despatch of business, I have to congratulate you on the abundant harvest with which Providence has blessed our Country, and upon the general condition of the Dominion. Its commercial prosperity, although it has to some extent shared in the depression which has prevailed in Great Britain and in the neighbouring Republic, rests upon foundations which no temporary or partial disturbance can remove.

I trust that the present year will be one of peace and progress.

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The flow of population into Manitoba and the North-West Territories, although impeded by various and unexpected causes, has been substantial, and the testimony of members of the British Association, and other visitors to the North-West last summer as to the well-being, contentment, and hopefulness of the settlers, is most gratifying.

A Bill introducing into those Territories a more simple and economical system for the transfer of land will be laid before you.

The Report of the Commission for the consolidation of the Statutes affecting the Dominion has been completed, and will be submitted to you for legislative action.

You are again invited to consider a measure relating to the representation of the people in Parliament and for the assimilation of the Electoral Franchises in the several Provinces.

A provisional arrangement of matters for some time under discussion with the Government of Manitoba has been entered into, and a measure confirming the same will be submitted to you so soon as it has been accepted by the Provincial Legislature.

I deemed it expedient to issue during the recess a Commission to consider and report upon the whole subject of Chinese Immigration, with reference to its trade relations, as well as to those social and moral objections which have been taken to the influx of the Chinese people into Canada.

The Report of the Commissioners is very nearly completed, and will be laid before you during the present Session.

The necessity of encouraging the speedy construction of lines of Railway through the North-West Territories has pressed itself on my Government, and you will be asked to aid Railway enterprise by liberal grants of land.

Urgent representations have been made by the Boards of Trade of the chief towns in Canada, as well as by some of the Chambers of Commerce in Great Britain, of the necessity that exists for the adoption of some system of Bankruptcy or insolvency giving adequate protection against undue preferences, and your attention to this important subject is earnestly invited.

In pursuance of the vote of last Session I caused a vessel to be fitted out and dispatched to Davis' Straits and Hudson's Bay, in order to obtain more accurate information as to the navigation of those waters, and test the practicability of the route for commercial purposes.

A report of the progress of the expedition during the last season will be laid before you.

An International Exhibition will be opened at Antwerp during the present year, and a Colonial and Indian Exhibition is to be held in London in 1886. Canada should, I think, be represented in her various manufactures and natural productions on both occasions, and I invoke your consideration of the best means of aiding in these important objects.

Several other measures of importance will be submitted to you; among them will be Bills to amend the Insurance Act of 1877, the Civil Service Act, and the law relating to contagious diseases among cattle, as well as measures for taking, at an early period, a census of the population of the North-West Territories, and one relating to the North-West Mounted Police.

Gentlemen of the House of Commons:

The accounts of the past fiscal year will be laid before you. You will find that notwithstanding the very considerable reduction in the prices and volume of many of the leading imports, the income has exceeded the expenditure chargeable to Consolidated Revenue.

The Estimates for the ensuing year will also be submitted. They will be found, I trust, to have been prepared with due regard to economy.

Honourable Gentlemen of the Senate,

Gentlemen of the House of Commons:

I am sure that your earnest consideration will be given to the subjects I have mentioned, as well as to every matter which may affect the prosperity and good government of Canada.

His Excellency, the Governor General, was pleased to retire and the House of Commons withdrew.

The House was resumed.

RAILWAYS BILL.

FIRST READING.

HON. SIR ALEX. CAMPBELL introduced a Bill intituled "An Act relating to Railways."

The Bill was read the first time.

THE ADDRESS.

MOTION.

The SPEAKER reported His Excellency's Speech from the Throne and the same was then read by the Clerk.

HON. SIR ALEX. CAMPBELL moved that the House do take into consideration the Speech of His Excellency the Governor General to-morrow.

The motion was agreed to.

THE LIBRARY OF PARLIAMENT.

REPORT.

The SPEAKER presented the Report of the Acting Librarian on the state of the Library of Parliament.

The Report having been read, it was ordered that the same do lie on the table.

The Senate adjourned 4.30 p.m.

THE SENATE.

Ottawa, Friday, January 30th, 1885.

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

THE ADDRESS.

HON. MR. MACDONALD (B.C.)—I have much pleasure in moving that an Address be presented to His Excellency the Governor General, in reply to the Speech from the Throne.

I think, hon. gentlemen, the Speech may be justly considered very satisfactory as indicating the position of the country, the satisfactory condition of the revenue, and the many useful measures on which we are invited to legislate during the present session.

We must all feel gratified in the assurance and knowledge that the country has been blessed with a bountiful harvest, and that peace and plenty prevail in all parts of the Dominion—the highest blessings which can be obtained, and which are the aim of all countries to attain.

Although peace may reign within our own immediate borders, yet we cannot help feeling deep interest and great anxiety in the affairs of the Empire, and that her wars and troubles are shared in by the Dominion of Canada; that what sheds a lustre on the Empire sheds a lustre on us, and that any reverse or loss of prestige she may suffer, would be deeply felt by this, the oldest and most important colony of Great Britain. May the Empire prosper wherever her flag floats.

In looking at the trade position of the country we must hold in view the very great extent to which the commercial relations of all civilized nations are interwoven, and that any disturbance of trade of an upward or downward tendency in any one country soon acts on the others, and this sensitive feeling is clearly illustrated in this country. The condition of trade in England, the United States and the West Indies, (for which we cannot be held responsible), has affected us most injuriously. Canada being a large producer of corn, meat, fish and timber must, to make her prosperous, have foreign markets—and when, unfortunately, the markets of those three countries, England, the United States and the West Indies, which are our chief customers, are closed to us by the depressed condition of trade in those countries, we must look for a corresponding state of things in the Dominion, and we may consider ourselves fortunate that we stand as well as we do in the face of such circumstances.

It has been said, and no doubt will be said again, that our fiscal policy is at the root of our present depression, that our manufactures are over-stimulated, the result being over-production, warehouses over stocked, and low markets.

I deny that our fiscal system is the cause of any such condition—in proof of which I will instance England, which

cannot be accused of over stimulating her manufactures. If any country is a free trade country she is—especially in cotton, woolens and iron—and what do we find? Unfortunately, stagnation,—hundreds of mills and factories closed, thousands of persons unemployed, and her shipping industry in great distress.

I will now take the United States, with a high protective tariff, and what do we find? Just the same condition of things which prevails in England. So that under free trade, and protection, commercial countries are evidently doomed to periodical waves of depression. I will leave the political economist to solve the problem —which of the two systems creates the evil—reserving to myself the opinion that a moderate fostering of our young industries, such as we have in Canada, is the wisest course.

I have no doubt but our manufacturers, who deserve every praise and encouragement, will, with experience, learn to gauge their productions so as to correspond with the demand, and thereby avoid the fluctuations to which business is now liable. The farmers of this country, with their surplus grain, although prices are low, are most fortunate compared with those of England and other parts of Europe. Here the farmer is his own landlord. With no rents or poor rates to pay he can afford to hold his stock for better times, whereas in Europe rents and taxes are very high and must be paid, and the farmer is compelled to sell his produce, however low the market may be, to meet those demands. Our farmers then, with more than abundance to eat and drink, may be congratulated on their condition.

We can only judge of the position of our country by comparing it with that of others, and I think hon. gentlemen will agree with me that the prospects and condition of the Dominion compare favorably with those of any other country.

It is very gratifying to know that the cumulative testimony of disinterested and distinguished persons continues to confirm the favorable impressions previously formed of the adaptability of the Canadian North-West as a field for immigration, where every man may be his own landlord, and where with ordinary industry he may live in comfort and peace. It is pleasing to know that a reasonable addition was made in the past year to the population of that country. A moderate tide of immigration, which the country can conveniently absorb, is more to be desired than too rapid a flow, which from its volume might have to endure some privation. We are pleased to know that every facility will be given for the acquisition and transfer of land in that country.

The Act relating to the representation of the people, and the measure confirming the arrangement with Manitoba, will, I am sure, receive the best consideration of this House, as well as all those other measures referred to in the Speech from the Throne.

The issuing of a Commission to enquire into the various phases of the Chinese question was, no doubt, the best course to take; especially in view of the very extreme opinions held by some persons on this question.

In a free country, Chinamen as well as persons of other nationalities, have their rights and privileges, so long as they conform to the laws of the country. The Chinaman has undoubted rights, but my opinion on this subject I will defer to some other time

It is most cheering and encouraging to know that the revenue of the country is in such a prosperous condition, and this is doubly gratifying when the shrinkage in trade during the past year is taken into consideration.

Then again, the credit of the country never stood higher in the London money market than it does now; nor has a colonial loan ever been negotiated at so low a rate of interest as that negotiated last year.

The substantial wealth of the country also has greatly increased in railways and other improvements, and notably so in the money savings of the people which increased by two millions in the past year. So that taking all in all, we have reason to be satisfied with the state of our country.

There is a subject of some importance to which I may briefly allude, of which I consider the Colonies may feel proud. That is, the desire on the part of many eminent statesmen for closer union with the Colonies—a federation of all the Colonies with the Empire. Whether such a grand scheme can be perfected it would

be premature now to say. The interest taken in the Colonies, however, must be a matter of satisfaction to us.

There is another matter for which we have particular reason to feel gratified, that is the marked honor conferred on the Premier of the Dominion by our gracious Sovereign. Such a fitting recognition of his long public services, will, I am sure, be regarded by the majority of the people with much satisfaction.

I beg to move :—

That the following Address be presented to His Excellency the Governor General to offer the respectful thanks of this House to His Excellency for the gracious Speech he has been pleased to make to both Houses of Parliament, namely :—

To His Excellency the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, in the County of Somerset, Earl of Wycombe, of Chipping Wycombe, in the County of Bucks, Viscount Caln and Calnstone, in the County of Wilts, and Lord Wycombe, Baron of Chipping Wycombe, in the County of Bucks, in the Peerage of Great Britain ; Earl of Kerry and Earl of Shelburne, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw, and Dunkerron, in the Peerage of Ireland ; Governor General of Canada.

May it please Your Excellency :—

We, Her Majesty's dutiful and loyal subjects, the Senate of Canada in Parliament assembled, humbly thank Your Excellency for your gracious Speech at the opening of this Session.

We rejoice that Your Excellency in again meeting us for the despatch of business has to congratulate us on the abundant harvest with which Providence has blessed our country, and upon the general condition of the Dominion, whose commercial prosperity, although it has to some extent shared in the depression which has prevailed in Great Britain and the neighbouring Republic, rests upon foundations which no temporary or partial disturbance can remove.

We trust, with Your Excellency, that the present year will be one of peace and progress.

It affords us great satisfaction to be informed that the flow of population into Manitoba and the North-West Territories, although impeded by various and unexpected causes, has been substantial, and that the testimony of members of the British Association and of other visitors to the North-West last summer as to the well-being, contentment, and hopefulness of the settlers, is most gratifying.

We learn with much interest that a Bill introducing into those Territories a more simple and economical system for the transfer of land will be laid before us.

It affords us much pleasure to know that the Report of the Commission for the consolidation of the Statutes affecting the Dominion has been completed and will be submitted to us for legislative action.

The consideration which Your Excellency has been pleased again to invite to a measure relating to the representation of the people in Parliament, and for the assimilation of the Electoral Franchise in the several Provinces, shall be most attentively given thereto.

We thank Your Excellency for informing us that a provisional arrangement of matters for some time under discussion with the Government of Manitoba has been entered into, and that a measure confirming the same will be submitted to us so soon as it has been accepted by the Provincial Legislature.

We receive with great interest the information that Your Excellency deemed it expedient to issue during the recess a Commission to consider and report upon the whole subject of Chinese Immigration with reference to its trade relations, as well as to those social and moral objections which have been taken to the influx of the Chinese people into Canada ; and that the Report of the Commissioners is very nearly completed, and will be laid before us during the present Session.

We hear with interest that the necessity of encouraging the speedy construction of lines of railway through the North-West Territories has pressed itself on Your Excellency's Government, and that we will be asked to aid railway enterprise by liberal grants of land.

We thank Your Excellency for inviting our attention to the urgent representations which have been made by the Boards of Trade of the

chief towns in Canada, as well as by some of the Chambers of Commerce in Great Britain, of the necessity that exists for the adoption of some system of Bankruptcy or Insolvency giving adequate protection against undue preferences; and we beg to assure Your Excellency that this importan, subject shall receive our earnest consideration.

We also thank Your Excellency for informing us that, in pursuance of the vote of last Sessiont Your Excellency caused a vessel to be fitted out and despatched to Davis' Straits and Hudson's Bay, in order to obtain more accurate information as to the navigation of those waters, and to test the practicability of the route for commercial purposes; and that a report of the progress of the expedition will be laid before us.

We agree with Your Excellency in thinking that, as an International Exhibition will be opened at Antwerp during the present year, and as a Colonial and Indian Exhibition is to be held in London in 1886, Canada should be represented in her various manufactures and natural productions on both occasions. The best means of aiding in these important objects shall not fail to receive the consideration Your Excellency has been pleased to invoke from us.

It affords us pleasure to learn that several other measures of importance will be submitted to us; and that among them will be Bills to amend the Insurance Act of 1877, the Civil Service Act, and the law relating to contagious diseases among cattle, as well as measures for taking at an early period a census of the population of the North-West Territories, and one relating to the North-West Mounted Police.

We beg to assure Your Excellency that our earnest consideration will be given to the subjects your Excellency has mentioned, as well as to every matter which may affect the prosperity and good government of Canada.

HON. DR. SULLIVAN—The distinguished honor of seconding the Address, which has just been so ably presented to you by my hon. friend from British Columbia, is a peculiar gratification to me, a gratification which I would be happy to exhibit more properly than I can on this occasion, were the time afforded me. Unfortunately, I must throw myself on the generosity of this House, and ask them to attribute any faults of mine to the short time at my disposal, which did not admit of such preparation as would be worthy of this occasion.

The agricultural interest of this country, strong, powerful and progressive, rejoices in the results of a bountiful harvest. The prosperity of this interest is felt by all classes of the community. When they rejoice the whole country shares in their rejoicing; in their adversity the whole country is sad with them. I am, therefore, very glad to be able to congratulate this House on the bountiful harvest which the agricultural community have reaped and on the restoration of their prosperity.

The flow of population into Manitoba, as is mentioned here, is a matter which is also of great consequence to the whole Dominion. One of the most important social events of last year was the visit of the British Medical Association to Canada. I had the honor of meeting its members in Montreal, and from every one of them I heard words of pride and gratification at the extraordinary success to which Canada had attained, and expressions of surprise at seeing such a hardy, bold, adventurous race occupying the North-west as they found there.

I shall not take the time of the House in dealing with other matters which are mentioned in this Address. I am sure we all take a deep interest in the subject of Chinese immigration, in its moral and social aspects, and it is possible that Canada may succeed in solving this, as she has solved other difficult problems in government. We shall look forward with great interest to the report of the commissioners on this subject, and probably we will be enabled to reach some satisfactory conclusion on this grave question which threatens to agitate the whole Dominion.

I am pleased to find that the possibility of Davis' Straits and Hudson's Bay being used for commercial purposes has been tested, and although there are rumors—not anything definite, but rumors merely—that not much may be expected in this direction, possibly something much more beneficial to the whole Dominion may result therefrom than is generally anticipated.

Reference is also made in the Address to the Exhibition, or World's fair, to be held in Holland during the current year. As those exhibitions are powerful means of advancing the interests of Canada, and disseminating a knowledge of this country and of its people and products, thereby serving the purpose of an extensive advertising agency, the subject is worthy of careful consideration, and is one which, I hope, will result in Canada being properly represented in a country containing a frugal and industrious population, a people amongst whom undoubtedly the best class of emigrants for this country will be found.

But the fact of which we all have greatest reason to be proud is that the affairs of this country have been conducted with such economy and efficiency that the Government are able to announce another surplus. I am aware that many people consider a surplus undesirable. I entertain a different opinion. It may be due to my ignorance of how Parliamentary men look upon these questions, but I know that in the ordinary affairs of life it is not considered an undesirable thing to have a surplus at one's command.

We have the announcement that the depression in trade in Canada is passing over. It is one of the most pleasing statements that could be made in the Address. When we look at the great depression which prevails in the countries with which we are most intimately associated, those with which our interests are so closely identified, England and the United States, one strongly protectionist, the other a free trade country, surely we may claim that the depression in Canada has not the most remote connection with our fiscal policy. It was with great pride and gratification I heard recently the announcement made by the gentlemen who control the destinies of this country, that they were well satisfied with the National Policy which lifted the clouds of depression from this land and shed a gloom of sunshine on its commercial condition, and first gave our people hope and encouragement. It was gratifying to learn that not only are they not dissatisfied with that policy, but that they are determined to stand by it, and that they expect it will continue to confer solid and abiding advantages on the people of this country. They refuse to believe that it has had any connection with the depression, which is happily passing away, but on the contrary they are satisfied that it has prevented much more extensive distress than might otherwise have been expected in the manufacturing interests. For these reasons they are determined to adhere to it, and I hope that nothing will cause them to swerve from their determination in this respect. The National Policy, no doubt, induced many persons to enter into manufacturing, with the natural result of over-production. For that we have no remedy but the operation of the law of the survival of the fittest. Those who are best able to maintain themselves and retain their positions will do so, and those who are not able must, of course, find other occupations, and thus the commercial interests of the Dominion will be strengthened and consolidated, and maintained in a prosperous condition.

There is also reference made in this Address to an Insolvency Bill. Of that I can have but a very imperfect knowledge. I have, however, a recollection of the great dissatisfaction which prevailed under the former system, and I remember how the grievance became so great that the Government had finally to repeal the Act and leave the different provinces to manage these matters for themselves. I am glad to learn that something will be done to ensure a fair distribution of bankrupt estates.

I think there is reason for congratulation on the peaceful and prosperous condition of Canada. In no country in the world has there been a steadier and more solid and enduring progress than there are evidences of in the Dominion. My observation is, of course, limited to the locality and neighborhood in which I live, but judging by that—and I am sure it is not the most prosperous portion of the country—no better evidence could be afforded of the happiness and contentment which prevail amongst all classes.

The confederation of the Provinces and the legislation of the past few years—because but 17 years have passed since the Union—have had the effect of inspiring a national sentiment and removing those animosities and acerbities which disturbed the quiet and peaceable relations of the people, and to-day they occupy the position of being the freest, the most tolerant, and,

at the same time, the most contented people in the world.

Hon. gentlemen, I thank you for the kind manner in which you have received the few crude remarks which I have had to make—necessarily crude from the impossibility of devoting to the subject that time and attention which the dignity of this House demands—and therefore is it with feelings of humility, and a conviction of the imperfect manner in which I have endeavored to express those sentiments, that I crave your indulgence on this occasion.

Hon. Mr. ALEXANDER—Knowing, as the members of this hon. House do, the long period of broken health which I have passed through, and that I was simply unable to take any part in the proceedings of the House last session, I am sure that hon. gentlemen will grant me their usual kind indulgence in offering some observations with regard to the Address now before us.

I will preface the remarks I am about to make by defining my own position. It would be unmeaning on the part of the leaders of the government to repeat a former charge that I had gone over to the Liberal party, from the views which I now entertain. I simply speak as a member of this high judicial body, because I have never regarded this House as a body that should be rendered partizan, and I have always felt that the two leaders of this House, in the manner in which they have controlled it, have inflicted a deep injury upon this Chamber, and upon the country. I rise as a member of this high judicial body to express the opinion which I conscientiously hold, thinking and acting for the people of this country, and not for a party. That is the view which I entertain of the vocation and duty of this House, and, I may add, that at my advanced age there is no office at the disposal of this or any other Administration which I desire to accept or could accept; so let there be no misunderstanding on that point, and let there be no insinuations thrown out by the Minister of Justice, as on former occasions, that I am looking for office—that I am wanting the Governorship of Ontario, or any other position

When I speak, I do so according to the best of my humble judgment in the interests of the country, and if I have ever said anything on the floor of this House which the Senate has deemed to be an error of judgment, I make the most ample apology for any such sentiment that I may have uttered. Hon. gentlemen know the high opinion which I have always entertained of the individual members of this House. They know that I have always expressed my opinion that a more estimable body does not exist in the Dominion than the members of this Senate. But the Senate has, in some manner, been controlled by the leaders of this House; their opinions are supposed by influences used, to be silenced, and, as a natural result, the Senate, as a body, no longer commands the respect or confidence of the country, and the charge lies at the door of the Ministers of the Crown for the manner in which they have conducted themselves since they have come into power.

I do not propose to weary the House by referring to any of the subject matters of this Address. When a vessel is believed to be drifting amongst the breakers from the guidance of the helmsman (that is the Government, who appear to be suffering from a fatal disease called Phrenzy) the absorbing thought of those on board is how the ship can be saved! It is a very painful duty for me to say, that, as an old and life-long Conservative (and I hope to die a Conservative) I am from a sense of duty led to warn you that there are acts of the present Conservative Government that must affect disastriously the country for a time, and must certainly wreck the Conservative party in less than two years, and, I am sorry to be compelled to add, that there are acts of the present Government which show lamentable depravity of character and total abandonment of principle. Some of their acts show that as regarding the Government all prudence, and care, and principle, and justice, and public gratitude, are gone. Vested rights are no longer respected but are ruthlessly trampled under foot. This Government has become a danger to the State, and I will illustrate in what manner.

In my opinion the time has arrived when mass meetings should be held from one end of the Dominion to the other to stop in their course those who, to retain power, have demoralized the public men and the

electorate, and are demoralizing the churches and the people of the country. This Government, intoxicated by their large majority in the Commons, and by the kind manner in which the majority of this House yield to their wishes—unfortunately for the interests of the country—have become so reckless, that the bankers of Montreal and of Toronto are at this day alarmed to think of the position of our affairs. They appear to forget that we are a people of limited numbers and limited wealth, only struggling into existence by hardship and toil. There may be an appearance of wealth in our cities. We may see a number of costly carriages with liveried servants; but we are not quite sure that those carriages are not run by moneys obtained by fraud—by moneys obtained by defaulting banks. We are not sure that some of the best houses in which those people live are not built by money obtained by fraud in connection with the banks and other monetary institutions of the country.

I say that the Government forget the depressed state of the Maritime Provinces which every newspaper that comes from there proclaims. They forget the limited resources of the Province of Quebec. They have got in their brain the fame that will reflect on them, poor men, in having constructed this colossal railway from the Atlantic to the Pacific, that they may travel in their triumphal car over that road from ocean to ocean, and we behold them rushing with electric speed this public work through the vast Laurentian ranges and the gorges and canyons of the Rocky Mountains to reach that rich and fertile agricultural country of British Columbia with its 16,000 white people all told; and the Government are looking forward to the joy with which they will traverse the continent in their triumphal car ere the bells have rung in the advent of 1886. There is not a banker or enlightened merchant in the country who does not know that the public obligations which the Government are throwing upon us must bring widespread discontent, and endanger the permanence of the confederation, and if disaster should overtake this Dominion, the charge will lie with the present Government. When the people realize the fact that after we shall have spent seventy millions of dollars on construction, the country will have to vote eight millions of dollars annually for the operation of a road, where, for sixteen hundred miles little else can be heard but the mournful screech of the owl, or the echoes of the locomotive whistle in the solitudes of those mountains,—I say when the people of this country realize this fact, they will deeply regret the folly which they and their representatives have been guilty of, in supporting a Government which appears to be lost to all sense of responsibility, and who seem to think only of keeping themselves in power. A great public work may be carried out with wisdom or it may be carried out to produce great disaster. Our great inter-oceanic road should have been constructed with prudential care, considering the present extent of our population, and the limited resources of the people, and it should have been built by the Government. Having said enough to prove the entire recklessness of the Government, would the House now kindly permit me to show one of the instances wherein the Government have inflicted wrong and injustice, and shown gross ingratitude. I refer to the wrong and injustice done to the Grand Trunk Railway by permitting the Canadian Pacific Railway to build, with the aid of Government subsidies, a competing line with the Grand Trunk Railway, through the Province of Ontario, with the view eventually of extending it to Chicago with moneys out of the public chest of the Dominion. When I became aware of the purpose of the Pacific Railway Company to operate a new line from Montreal, via Peterboro to Toronto, and from there west to St. Thomas, with a view of competing with the Grand Trunk for the trade with Chicago and the North-West, I could not but come to the conclusion that the Government's sense of justice and rectitude were things of the past. When we calmly ponder over all the benefits and services which the Grand Trunk Railway Company have rendered in developing the magnificent Province of Ontario and the country from Montreal westward, fostering the rapid growth of the cities of Montreal and Toronto, and in like manner every town and village along the line; while the farmers acknowledge that the value of

their property has been increased ten-fold thereby—I say when we consider those facts we cannot but feel that the Government have shown by the course they have pursued, a want of every sense of right and justice and public gratitude; and further, they have by their act placed us, the people of the Dominion, in the humiliating position of being chargeable with heartless ingratitude to the shareholders of that Railway Company, who, with their English gold, developed and built up this magnificent Province. No one knows better than the present Government that $50,000,000 of share capital were spent by that railway corporation, upon which not one dollar of interest or dividend has ever been declared, and it is sad to think that any Government in a British Colony could act in so heartless and ruthless a manner, towards a company who have invested their capital on the faith that they might look for British honor and honesty among colonial statesmen. How dreadful it is to think that the Government could be guilty of such acts. The Grand Trunk Railway Company has had a heavy struggle to live through all the adverse interests opposed to it. It has, considering all things, done its work well. As to charges preferred by Montreal or Toronto merchants that it is a monopoly, those gentlemen ought to remember that a railway must earn its way, and they must remember that the $50,000,000 share capital has never returned a farthing of dividend. If the road is obliged to carry at every point at under rates, how can it possibly keep its bridges, culverts, and rolling stock in proper order to serve the comfort and safety of the travelling public, and the commercial interests of the country? The result of permitting the Pacific Railway Company to use a part of their subsidy on this competing line will be that they will be enabled to crush gradually the Grand Trunk Railway Company, and depreciate the value of their bonds, until, in despair, they will be driven to sell them at any price, and in this way thousands of English families will be brought to poverty and ruin through the unwise acts of the Dominion Government, and we shall then have one grand railway monopoly extending from Montreal west, and exercising a control over the Dominion, which, in the end, may drive our people in despair to look to Washington for better Government.

A gentleman has asked me to explain how such a large annual vote will be required for many years to operate the Canadian Pacific Railway after it is finished. If the House will allow me, I will give the particulars. The most experienced railway men will tell you that a continuous line of rails between two points does not make a railway. Structures of trestle work have to be filled up, stations have to be established and station houses constructed, transfer facilities provided, railway sidings made, new engines and cars furnished of every kind and description. Why! the destruction of property from railway casualties alone, which no care has been found sufficient to prevent in the past, is such as to require an untold amount of capital. It is computed, and I believe computed correctly, that at least 8,000 men will be required at times to keep the track clear of snow north of the lakes. I do not say they will be required continuously, but snow storms will come, and as you know that country, to the extent of 800 miles, is incapable of sustaining population, and the Canadian Pacific Railway Company will have to bring men hundreds of miles from the east and the west in order to keep the track clear of snow. The Intercolonial Railway, when the capital account was closed, cost $22,500,000. I may be in error, but I am told that the figures have swollen to $38,000,000.

I might mention a very peculiar fact which was brought to my attention before I left Quebec, about the Canadian Pacific Railway. It is difficult to explain how the Government permit it, but the present contractors, I was given to understand, instead of following Sandford Fleming's line, which would have taken them to the Yellow Head Pass and enabled them to cross the Rocky Mountain range with gradients not exceeding fifty feet to the mile, have adopted a route, portions of which actually have gradients of 200 feet to the mile, and on some portions 250 feet to the mile. Every railway man and every merchant knows that they could not bring up three cars at a time on a road with gradients 250 feet to the mile. Was there ever such madness, such folly, as the Government

permitting a road to be built with such gradients. The idea of allowing any portion of that great work to be built so that a locomotive could not haul three cars at a time over it, and this simply in order that the $25,000,000 in gold may be paid over to the Syndicate! The other day at Toronto, some one jocularly observed that they had better send some members of the Government to Victoria and make them station masters there in order to book passengers for Jupiter or Jupiter's satellites in order to obtain traffic for the Canadian Pacific Railway. If ever there was a country that deserved to be well governed, it is Canada. If ever there was a people, who by their industry, their frugal habits and their self-denial, deserved to have their affairs well administered, it is the people of this Dominion; yet we find this Government guilty, for some unaccountable objects, of bringing untold disaster on the country, and they may create such widespread discontent as may endanger the Confederation.

Now, when we consider the financial obligations thrown upon this country, and the wrong and injustice done, not only to the Grand Trunk Railway, but also the Maritime Provinces and the Province of Quebec, we cannot be surprised that Quebec last session sent delegates here to demand better terms, and again, this session, send a delegation to demand more aid. We find the old, historic City of Quebec a place of such natural attractions and of such interest, and which ought to have been, but for the miserable conflict of party, the seat of government for the Dominion, deeply dissatisfied and determined they shall have their rights; and can we wonder that a similar state of feeling exists in Nova Scotia and in New Brunswick. Nova Scotia was forced into the Confederation contrary to its will; and is it any wonder if they came here to demand large additional subsidies, when they find the Government throwing the public money into the construction of a road which can only benefit a sparse population for many years to come.

When we behold all this and observe that the Government have become so reckless, and determined that the Liberal party shall not come into power, or any other party, so long as they can buy up the provinces, is it any wonder that the country is becoming deeply alarmed? Man, in the plentitude of his power, thinks he can secure success by artifice and questionable means; but no one can with impunity transgress the laws which are eternal and immutable for the well being of society. The only principles which stand the test of time are the principles of truth, of right and of justice. Any other principles must bring a judgment from above upon the country. I do not believe that a people so enlightened as those of this Dominion will any longer countenance such an abandonment of principle in high quarters, and I do not think that with all the teachings of our churches throughout the land, no honest government can live. If we behold the Roman Catholic Church in the Province of Quebec, we can find throughout that province well ordered parishes, and the name of God respected and virtue and morality prevailing. Go to Upper Canada, and see there the results of virtuous lives, of frugality and industry. Yet these gentlemen tell us that no honest government can live in this country. I will now conclude my remarks, and I have to apologize to the House for the imperfect manner in which I have expressed those views which I sincerely entertain, and which I have expressed because I feel the dreadful position into which we are being brought by this Government. And if this Administration is kept longer in power, and the people do not rise in their might to cleanse the political atmosphere, the electric fluid will do its work and we will be overtaken with a grave commercial disaster. I will now conclude by quoting the remarks of the illustrious Washington in his farewell address to the people of the United States. He observed:

"However partizan combinations may now and then answer popular ends, they are likely in the course of time to become engines by which cunning, and ambitious and unprincipled men will be enabled to subvert the power of the people and use their position for their own selfish ends."

HON. MR. SCOTT.—The task of moving the resolutions for an Address to His Excellency in answer to the Speech from the Throne has been discharged by the member for Victoria with his usual clearness, and with such a warm approval of the policy of the Government as must no

doubt have been gratifying to his leaders. The hon. gentleman, the youngest Senator in this House, who has seconded the resolution we have all heard with very great pleasure, and I am quite prepared to make all allowances for his first address to this Chamber, although I think that any apology on that score is quite unnecessary. I am very glad to welcome that hon. gentleman to this Chamber, for although he is a Conservative, I assume that that is a blemish which we must overlook. Under the principle on which gentlemen are appointed to this House only adherents of the dominant party are admissable; and therefore I am free to say that a very good selection has been made in this instance. Though the hon. gentleman has not in the past filled any representative position in the country, yet he is not altogether unknown to fame as a distinguished member of the profession to which he belongs. The hon. gentleman is appointed to a position in this House that was formerly held by a gentleman from Kingston, whose memory we all hold in very high esteem, a gentleman who had, before he left this House, been recognized as the oldest member, and had been a long respected member of the Legislative Council of old Canada and of the Senate.

Now, coming to the first paragraph of the Address, on which I wish to make some brief comments, I am free to say that I cannot entirely concur in the fulsome observations made by my hon. friend who moved the resolutions. We are asked to join in congratulations on the abundant harvest with which Providence has blessed our country, and if the paragraph stood alone, I am free to say I should heartily join in it, but it is very cunningly united with one congratulating us also on the general condition of the Dominion. With that part of the paragraph I am disposed in some degree to find fault. The paragraph tells us later on that "the commercial prosperity of Canada, although it has to some extent shared in the depression which has prevailed in Great Britain, and in the neighboring Republic, rests upon foundations which no temporary or partial disturbance can remove."

Now, we were told, not a great many years ago, in 1879 and 1880, and we have heard it very frequently since the adoption of what might be called the new policy in this country, that it was going to avert just such a crisis as there is now over Canada. In 1877 and 1878 the Government of that day were time and again told that it was their duty to avert the then existing depression, that by the adoption of a protective policy the evils of a depression might be to some extent minimized. That opinion, at the time, I challenged, and I think recent experience of those who have given the subject anything like careful thought has convinced them that the policy adopted in 1879 was not a wise one, that we have utterly failed to provide for the farmer of this country what he was then promised, a home market; that we have utterly failed to sustain our own manufactures, even by the high wall that we erected to keep the manufacturers of other countries out. So long as the general products of this country had a demand in the markets of the world, more particularly the products of our farms and the products of our forests and fisheries, so long did prosperity reign, and it mattered little whether we paid high or low taxes, but when the strain came upon us, when the wave of depression swept over other countries, we immediately shared in the consequence of the wave. The protective policy of this country was quite unequal to giving what had been so liberally promised by the Government, when such conditions as have arisen, arise in this country. So long as our exports were large, and so long as Great Britain and the United States were able to buy from us, the wealth that flowed into Canada was attributed to the National Policy, although as a matter of fact we were really importing more than we had been importing before, with a consumption of more manufactures than we had consumed before. If the argument had been a sound one, the manufactures in Canada would have grown and spread, and we would have imported less. The policy of the Government was that we should manufacture for ourselves and not buy abroad. It is quite apparent, therefore, that the fiscal policy adopted in 1879, has failed to provide the home market promised to the farmers of this country. No doubt, while the prosperity continued it stimulated the manufactures of this country. It induced many

of our people to take their savings out of other industries and place them in sugar, cotton, iron and other manufactures. What has been the result? Ask the shareholders of those enterprises whether they would not to-day have preferred to place their money in 1879, 1880 and 1881 in five per cent. debentures rather than place them in the industries to which I have alluded! Ask any one of them if he would not have preferred to take that course rather than to follow the advice of the Government in spreading the industries of this country and increasing the manufactures! We were unable to compete with foreign manufactures, and our own people found, when depression came, that they could buy as cheaply abroad and pay the 40, 50 or 60 per cent. taxes, as the case might be, as to purchase in this country. The lesson is a good one, and if our people gain experience by it, it will be a blessing to this country in its early history to pass through an ordeal of that kind.

In the next paragraph of the Address we are told that the flow of population into Manitoba and the North-West, although impeded by various and unexpected causes, has been substantial. My views on that question of emigration have been placed before this House on previous occasions, and I think the history of one year with another goes to confirm the soundness of the opinions I have so frequently enunciated—that is, that we could exercise in but a small degree the influence which causes people on the other side of the Atlantic to cross to America. The laws which govern the flow of population to this continent are beyond our influence or control. No doubt we may offer facilities, we may give away our lands, and widely advertise them. All those things, I am free to admit, have their incidental advantages, but that they affect to any marked degree the current of population from one country to another, I entirely deny: and we have only to look to the last ten or fifteen years, or take any era we like, and compare the immigration into this country with that into the United States, and we find that they move up and down just as truly as the mercury in one thermometer falls or rises with the mercury in another. As the immigration to our shores swells up theirs swells also, and as theirs diminishes ours also goes down. Theirs kept going down from 1877 to 1879 just as ours did. I was often taunted, when I occupied a seat on the other side of the House, with the idea that we were unable to devise any immigration scheme that would induce immigrants to settle in Canada. I answered then that the causes that led to the removal of people from one country to another were entirely beyond the control of anything like legislation on our part. In 1877 in the United States immigration had not only ceased, but the migration was the other way, and we know how the volume began to swell in 1879, 1880, 1881 and 1882, until it had risen to the largest figures that ever marked the flow of immigration into the United States.

We hear that the Government propose to adopt the Torrens system for the transfer of property in the North-West. I think the system will answer there very well. I would not like to see it applied in the older provinces, more particularly in the Province of Ontario, with whose laws I am more familiar, inasmuch as I do not think it would be suitable where there are intricate titles from antecedent titles. In the North-West the titles are few as yet, and lands have not so freely changed hands, and the Torrens system can be safely and easily introduced there.

For the third time we are told that it is proposed to introduce a bill for the purpose of giving us more uniform representation through the elective franchise. I have never favored that view, because I think it is a matter that ought to have been left with the provincial authorities. I think there is less danger of political interference with the franchise where it is left entirely with the local authority to form the basis upon which the electors shall be permitted to vote. It will give rise, no doubt, to the appointment of revising barristers, and a host of appointments altogether in the interests of the political party that for the time being has control of the patronage of the country. It therefore leaves the system open to the imputation of being fostered with the view to the aiding in that way of the political party that makes the appointment of the officers whose duty it will be to bring it into operation.

A provisional arrangement, we are told, has been made between the Dominion and

the Government of Manitoba, for carrying on the expenses of that country. We have had this subject repeatedly before Parliament, and I think the time has come when the youngest member of the Confederation ought to have her affairs placed on such a basis as will render it unnecessary to be appealing year after year to the Government of the day for an additional subsidy. It ought to be placed on some sort of a basis—either that of population or on some other recognized principle—that would obviate this necessity of Manitoba being a supplicant to the Dominion year by year, for assistance in carrying on the Government of the Province.

We learn that we are to have a report laid before us that has been prepared by a commission that lately sat in British Columbia, to enquire into the question of Chinese immigration into that Province. This Government is somewhat famous for its commissions. We have commissions issued very frequently : in some instances they produce very small results. They are very convenient mediums for conferring favors upon the adherents of the Government, by affording office for those who are needy and have very little to do. I am curious to learn what the report of this commission may be. I am free to confess that it is not, perhaps, desirable that we should have a Chinese population settling in one of our provinces in the large numbers that they do. They are not a desirable class. The Mongolian race do not seem acceptable to the Caucasian family. Whether we ourselves can adopt any policy that will keep them from coming to our shores is, I think, very questionable. We all know that this is a policy which must be entirely controlled by the Imperial authority. What Lord Derby might have to say to it, I would be rather anxious to know, because this Chinese question has a curious history. It is a matter within the remembrance of us all, that the Chinese desired to keep the barbarians out of China for a long period of time, and it was only through the arguments of grape and cannister and shot and shell that they were induced to believe in the superior humanizing influence of the Anglo-saxon race to the Caucasian race generally. We know that we insisted upon their country being opened to us ; that we ought to have the right to establish trade in a limited degree with the people of China We in consequence established ourselves at Hong Kong, and insisted on having five ports open to British shipping, and when the Chinese did not see the propriety of trading with us, we sent an army down to Pekin and burnt their beautiful palace there, and finally they were convinced by our superior arguments that a trade with the outer world was a policy that they ought to adopt. It seems to me rather inconsistent and rather illogical for the Chinese now to be told—" It is true we wanted to trade with China, and we wanted to settle in China ; we desired to have it free for our merchants to make all the money they could in that country, and invest it in British stocks ; but the rule does not seem to work the other way and we are opposed to the Chinese coming into our territory and settling themselves amongst us." It will be an exceedingly awkward problem to unravel, and to satisfy the Chinese at least that we are consistent. It is a subject that has formed for many years an angry controversy between the Government at Washington and the Government at Pekin—in fact the result attained has never been one satisfactory to either parties. The Chinese immigration has gone on on a kind of sufferance system that has not been at all satisfactory, and I assume that that will be the result of any negotiation that we may desire to make, unless we acquire the power of making treaties ourselves, and then possibly we may be able to devise some system by which we can obviate the difficulty that seems to be created by this large immigration of Mongolians into British Columbia.

We are told that the Government propose to aid railway enterprise in the North-West. I assume that that, perhaps, is by remitting to the various companies that have already been alloted grants of land on their paying for it, the stipulated sum of half a dollar or a dollar an acre. It is a policy that I am quite prepared to approve of, as I think the construction of subsidiary lines of railway, through various parts of the North-West, ought to be in every way encouraged.

In strange contrast to the first paragraph of the Address comes the next one, in which we are told that the time has arrived in which it is necessary in effect to re-enact

the old Bankruptcy Law. I say it is inconsistent with the first paragraph, in which we are told that the towns of the Dominion are fairly prosperous; but as the returns show that the increase of failures has been very considerable, particularly the last few years, I assume that such a provision as the one named in the Address is an absolute necessity.

We are told, also, that in pursuance of the vote of last session, a vessel was fitted out in order to ascertain the feasibility of the Hudson Bay scheme. As to the wisdom of that policy, honorable gentlemen know my views. When the hon. Senator from Montreal—who I regret is not now in his place—first brought this subject before the House, I then took the ground that if it were feasible I thought we were not acting in the interests of the people of Canada in favoring a scheme which was going to divert the whole trade of the North-West through the waters of the Hudson Bay and the north Atlantic instead of through its natural channel, the older Provinces of Canada. We have been spending hundreds of millions of dollars in opening up avenues by which the products of the North-West could reach tide water; and it seemed to me to be inconsistent with our policy that before these avenues have been completed, and the wisdom of our large expenditure put to the test, that we should be actually preparing to divert the whole of that traffic to another route in which the people who contributed this large sum of money have no possible interest. But I had always entertained a belief that the scheme was a chimerical one: that it was adopted by the Government simply as a foil. They knew there was a good deal of dissatisfaction existing in the North-West, because the people were told there that the products of their farms must reach tide water entirely through British channels, and over one railway; and to meet this proposition the Hudson Bay scheme was allowed to take form and shape, and Parliament was asked to vote a large sum of money to test the possibility of it. I have no doubt it may be that under certain circumstances and for a limited time, a vessel can succeed in getting through; but that the Hudson Bay affords free and easy communication between Europe and the North-West I am disposed to deny.

Railway schemes were favored last year and the year before by which the traffic from the North-West was to reach Hudson Bay, and we are now spending this considerable sum of money in ascertaining whether a vessel can navigate the waters of Hudson Bay and Straits. The probability is that like some of the Arctic expeditions, we shall have to send another vessel to try and get the exploring vessel out of the ice. We know that those waters are so filled for many months of the year with vast quantities of icebergs, that it is wholly unsafe for any vessel to navigate them except during a very limited period of the summer season.

The proposition to represent Canada at the Antwerp exhibition is one that I quite approve of, and I think also it would be proper that we should share in the Colonial and Indian exhibition that is proposed to be held in England in 1886. It is a legitimate way of advertising the products of Canada, and of showing the advance that we have made in the growth and prosperity of the country.

Various smaller measures are proposed to be laid before us, but those I do not propose to deal with until they come properly before us. The Speech is rather remarkable for its manifold omissions than for the important communications which the Government have vouchsafed to give us.

It is remarkable, there being so important a matter as the termination of the Fishery Clauses of the Washington Treaty, that no reference should be made to the subject; that this paternal Government should not say to the fishermen who have heretofore found a market in the United States, that they hope in their self-reliance that they would still go on and prosper, and that other markets might be open to them in lieu of the important one that is so soon to be closed against them.

There are other important questions that have transpired and have been discussed widely during the recess, that it might have been proper for the Government to advert to, although possibly it might have been an admission of humiliation. Since we last met in this Chamber we know that a very considerable area—an area very much larger than some of the provinces of this Dominion—has been

awarded to the Province of Ontario, that had been previously claimed as part of the North-West, as Dominion property; still no allusion has been made to that in the Speech from the Throne. The confirmation by the Privy Council of that long disputed boundary award that has been so frequently discussed in Parliament, and about which so much has been written, was surely a matter worthy of notice.

Another question that might have been adverted to with propriety, is the placing on a proper basis provincial rights. In the contest that has been going on between the Dominion and the important province of Ontario in regard to many questions of right claimed on behalf of the Province, the view of the Dominion has been overruled—notably in the appeals known as the "Streams Bill," and the "Dominion License Act." I think if this Confederation is to be preserved that the federal power, which is a strong one, ought to be exceedingly cautious before it encroaches upon the provincial authority. I entirely approve of the minute which was put on record by the present head of the Government in 1868 or 1869, when this question of disallowing provincial acts first came before him. He then, with the full knowledge of what had been obtained in the confederation of the provinces, and recognizing how delicate a subject it was, fully appreciated the importance of giving to the provinces their full and absolute right, by declining to veto any local Bill unless it was manifestly in excess of the provincial authority. I say it would have been a wise and a proper thing for this Dominion if the principles that then actuated the leader of the Government had continued to be his guide in the consideration of the subjects which have in recent years come under his attention as the head of this Government. He has not recently shown that broad statesmanship that formerly characterized him, but rather a tendency to cripple an important province that seemingly, politically, has not been favorably disposed to his own views. In all the contests that have arisen on those constitutional questions it is a matter of notoriety that the Dominion has been worsted It is a matter of regret that those contests should arise. There ought to be some degree of elasticity allowed in provincial legislation, and unless the province is encroaching manifestly beyond its proper limit, it ought not to be interfered with, and the question ought to be discussed on a broader and more friendly basis. The Province of Ontario may feel that it was a fortunate thing for this country that there was a tribunal on the other side of the Atlantic made up of the law Lords of the Privy Council who took a more just view of the situation, wholly unbiased by any political feeling. I trust that the experience that has been gained in the past year may be a warning to future governments that they are not to encroach upon the rights of the provinces. Our Dominion will be all the stronger; the people will be more contented if they feel that the constitution that was given to them, the written constitution, is one which is not to be encroached upon; that it has to be interpreted at least as fairly for the weaker power as if it were of equal strength to the parent power, because things of that kind naturally give rise to unpleasantness and irritation. They reflect upon the federal Government, because they lead one to the conclusion that it was a matter of feeling rather than of principle that was the guide in considering the important question of whether the province had gone beyond its power in the legislation that is sought to be vetoed.

Mon. Mr. GIRARD.—I have been long enough a member of this House to feel assured that there will be no doubt in the mind of any one as to the position I occupy. I have come this year, as in the past, quite disposed to help the Government in all measures in the interests of the country. I do not see in the Speech from the Throne anything which I could not sustain; but I rise in case some prejudice may be created in the minds of hon. gentlemen, by the remarks made by the hon. gentleman who has just spoken in reference to matters which have been submitted lately by the Government of Manitoba to the federal authorities, to make some observations on certain matters affecting the interests of my province. It should be borne in mind that we are surrounded in that country by peculiar circumstances. When we came into the Dominion I do not think we received the fair treatment that we deserved. We did not receive an equivalent for what we gave,

and if, from time to time, we have been forced to come to the Federal Government to get something more, it was because it was impossible for us to go any further otherwise. We have received liberal assistance from the Government here, but it does not follow that we have got all that we are entitled to; and at the present time, if we consider the value and importance, not only of the vast Province of Maitoba, but also of the North-West Territories, I do not think it is saying too much to observe that we have not yet received one-half of what we were entitled to at the time Manitoba was admitted into the Union, if more precaution had been taken then to secure our rights. We have respectfully come, from time to time, and stated our wants to the Dominion Government and we have received kind attention from them, and I suppose in this instance also, we will receive an increase of subsidy. It is simply an act of justice to the Province which I have the honor to represent, and one which I am sure will be unanimously conceded by this House.

I am glad to see that the Government are disposed to advance the construction of railways in the North-West Territories. There are lines which in the interests of colonization should be constructed as soon as possible. Lines are spoken of running in north-west and south-west directions. I hope the Government will be disposed to help those enterprises in such a way that they will be constructed rapidly in order to promote the settlement of the country. I would here take the liberty of suggesting a better system of aiding them. Hitherto we have assisted them by grants of land at a time when land in the North-West was not appreciated at its full value. Perhaps it would be better to aid them with a grant of money. It would be a more practical mode of assisting the corporations which have undertaken the construction of those roads. I respectfully submit this suggestion in the interests not only of Manitoba but of the North-West Territories, and in the interests of the whole of Canada

I observe with great satisfaction that efforts have been made by the Government during the last summer to ascertain the practicability of navigating Hudson's Bay and Straits. We know that difficulties exist, but I trust that the Government will not be discouraged by them. The scheme, at all events, should be thoroughly investigated; if it should be found to be impracticable, of course, nobody will expect it to be proceeded with; but if it should be found practicable the opening up of that route would produce an important change in the commerce of the whole Dominion, and especially of Manitoba and the North-West Territories. It seems to me that it is the duty of the Government to endeavor, until it is found to be impracticable, to carry out the enterprise.

I wished to make some remarks on a subject in which I am more directly interested; but other occasions will arise when I will be afforded an opportunity to express my views. I am quite ready, as I said at the begining, to give the Government the same support now that I have given them in the past, not only in the adoption of the Address but as to their policy generally.

HON. MR. BELLEROSE.—While I do not observe in the Speech from the Throne measures of such importance announced as in years past, some of them are certainly important, but as to those it would be premature to express an opinion now. They will come before Parliament in good time and we will then be able to say whether they are of such a character that we can support them or not.

I rise on this occasion mainly to express my regret that the ordinary practice of having the mover of the Address speak in one of the two official languages, and the seconder in the other, has been departed from this year. If this were the only objection, certainly, I should not have risen to protest against it, because I do not consider it of sufficient importance to occupy the time of the House; but it must be borne in mind that we are still without a representative of the French Canadian race on the treasury benches of this House, or any Minister who can explain the measures that come before us in our own language. We are deprived of this constitutional right and we are forced to discuss the important questions submitted to us, in a language which is not our own. Under the circumstances, it is not only our right, but it is our duty to protest against this injustice to the

minority in this House. I do not want to complain too much, because I see there is a determination to trample upon our constitutional rights, and that the more we complain the worse we find our position. Time will tell whether we are right or wrong in the position we have taken. I believe that we should demand, every session, that our rights be respected, and that those who refuse to concede those rights are perpetrating an injustice.

I was happy to learn, when for the first time I heard, last night, the announcement of the appointment of the new senator from the Province of Quebec, the hon. gentlemen from New Carlisle; because I know that with his great experience, and having been for years a member of the Privy Conncil, he will be an ornament to the House, and may be able to accomplish, perhaps, some things which older and less distinguished men cannot do. For that reason I am glad to see him here, but I protest against the way in which his appointment has been made. We hear in those days of corruption in high places, and of governments which are demoralizing our population. I cannot say that the transaction to which I have referred is one of those demoralizing events, but it is part of the system. Some four years ago I announced that this event would happen, and I cannot, feeling my responsibility as a public man, sit silently here while such things are going on. I would be doing what I believe to be a wrong, and when I know the right course to pursue I always endeavor to follow it. It is not that I oppose Lieutenant Governors becoming senators. I believe it is right that they should occupy seats in this House, and if a measure were submitted to us to give to every Lieut.-Governor, at the expiration of his term of office, a seat in the Senate, I should probably vote for it, because I believe that many of our Lieut.-Governors are comparatively young men, and the Dominion should not be deprived of their services. But while I approve of such a general principle, I protest against the manner in which this last appointment has been made—I protest against a member of the family, and a public official, being appointed here to keep the seat warm for him until the expiration of his term of office. I know of one or two cases in which gentlemen worthy of occupying seats here, who have sacrificed the best part of their lives, and given their means to promote the interests of their country and aid the party to which they belong, who have asked for seats here in the place of old members who were ready to retire in their favor, yet their request was refused; and I therefore protest against the course which has been followed in the present instance.

Hon. Mr. HAYTHORNE—I shall offer a few remarks on the peculiarly complicated clause of the Address which congratulates Parliament on the bountiful harvest vouchsafed to us; at the same time venturing a doubt as to whether that prosperity so generally overspreads the country as could be wished. To my thinking the prosperity of a country like Canada ought to be continuous Her normal state ought to be one of progress, and if it fails to be so, the causes are to be found in unwise legislation. The depression of trade is due, in my opinion, very largely to forcing capital and labor out of their natural channel into new ones, which would not have taken place had it not been for the protection afforded by certain laws passed for that purpose. This being so, the tendency of capitalists is naturally to take as large a share as possible, and as speedily as possible, of the new and lucrative undertakings, and, for a time, success attends those enterprises. A large amount of capital is expended in the erection of buildings, and in the setting up of machinery, and for a while, in paying wages of laborers. For a time, until the markets of the country are glutted with the products of the manufactories, a certain show of prosperity does exist; but how long does that state of things go on in a country like Canada, whose manufactured products find no market abroad? Of course the period during which that prosperity is to last can, by skilled persons, be calculated to a nicety. It is well known what a certain number of looms can supply to a given population, and when that number of looms is greatly exceeded the period of prosperity cannot be long, and the ultimate result must be a depression. This, I think, is the explanation of a great deal of the depression which exists in Canada. I may be told that the

depression exists in free trade England as well as in this country. No doubt it does, but I think those who have read the recent debates in the British Parliament, speeches of leading men in various parts of the country, and the articles in the press of England, must be aware of the fact that it is boldly affirmed there, that free trade England is less affected by the depression, which undoubtedly does exist in many countries of the world, than France, Germany, or even the United States of America.

Now, this being so, we need not be very much surprised at the depression. We must look to time for a remedy, but the unfortunate part of the business is that a large part of the available labor of the Dominion is detached from productive pursuits. So long as prosperity exists and the employees of the manufactories are well fed and clothed they are in a happy condition ; but what is to become of those persons whose prosperity depends solely on the wages of manufacturing, when the employers, through no fault of theirs, reduce employment to perhaps half-time or less, or shut up their manufactories altogether ? These are questions which clearly arise out of the policy of forcing capital and labor into enterprises which, unless supported by a premium secured by a protective tariff, would have no existence, or only a limited existence, in Canada.

It sometimes occurs that subjects are not mentioned in speeches from the Throne at the opening of Parliament in which considerable interest is felt. Now there is a subject which attracts great attention in the Maritime Provinces, and much anxiety is felt as to what course will be pursued in the near future with regard to it. I allude to the subject of the Fisheries and the approaching cessation of the Fisheries Clauses of the Washington Treaty. I think it would have been a becoming thing if the Government had introduced in the Speech from the Throne a paragraph or two stating what their course of conduct had been with regard to the Fisheries and what they expected would be the result of the cessation of the Fisheries Clauses of the Washington Treaty, which is to take place next summer. I know in the Province from which I come, very considerable anxiety is felt on the subject, by those interested in the Fisheries, and I cannot help regarding it as a serious omission from the topics alluded to in the Speech, that the coming cessation of the Fisheries Clauses of the Washington Treaty is not alluded to.

With regard to provincial rights, to which allusion has been made by a previous speaker, I must say I think it is a matter of prime importance that the position of the different provinces should be well established and well maintained. Without possession of those rights and privileges which are secured by the Confederation Act our province is in a very precarious position. The usual result of encroachments on any of those privileges is that the population commence to consider the subject of withdrawing from the Union. I myself always feel inclined to treat such things as a chimera ; but I cannot help seeing that encroachment on provincial rights is a matter of most serious importance. I think they should be most carefully guarded not only by this Parliament but by all the provincial legislatures as well.

Having myself been very much interested in the subject of exhibitions generally, I think it would be most desirable that the Dominion should be represented on those two occasions which are alluded to in one of the closing clauses of His Excellency's Speech ; but it is necessary with regard to Antwerp at least, that no time should be lost in taking measures to collect the exhibits which should be sent to that country. I am not aware of what time the exposition will open, but I presume it is the produce of last season, so far as cereals and articles of that description are concerned, that will be exhibited. Later on, of course, would be more advantageous to us in making our exhibit more general.

I observe that the subject of the Civil Service is to be renewed, and the Civil Service Act is to be amended, and perhaps, from its unsatisfactory condition at present, it is desirable that it should be so.

Another subject to which attention has been called is the Bankrupt and Insolvent laws, and those I think are of very great importance. I believe, myself, that we shall never have trade placed on a firm, substantial basis until we have an adequate Insolvency law. I trust during this session

it will not be, as it was two or three years ago, when I and others, expecting some change would be made or introduced by the Government, waited and waited until finally, I remember, I stood in my place and asked the leader of the Government if any thing was to be done on that question, and I was then informed by him that the intention was to repeal the existing laws. I hope that will not be done on this occasion.

One other matter I must speak of, which has reference to the Province from which I come: it is that the promises which the Government made with regard to certain improvements at the points of transport during the winter months for our mails and passengers, had not been timely attended to. I have called attention in this House before to the breach—I will not say breach, but the non-performance of the promise that boat-houses should be erected at each of the capes between which our mails cross at this season of the year. Last year no commencement had been made, and this year I crossed at one of those points, not many days ago, and found the boat-houses had as yet no existence, although some gangs of carpenters had just commenced, at this cold season of the year to work upon them. I hope the Government will take more pains to put that service upon a thoroughly well organized footing. Last year, or the year before, I forget which, a committee of the other House of Parliament sat and examined a number of witnesses, and made an extensive report, which is in print now; and I think that that report contained many very useful suggestions which might be carried out with great advantage, for the improvement of the transport of mails in winter to and from Prince Edward Island.

Having occupied the time of the House so long I feel inclined to close my remarks.

The motion was agreed to.

BILL INTRODUCED.

Bill (A) "An Act respecting Real Property in the North-west Territories.

The Senate adjourned at 5:20 p.m.

HON. MR. HAYTHORNE.

THE SENATE.

Ottawa, Monday, February 2nd, 1885.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

WHITE POPULATION OF BRITISH COLUMBIA.

AN EXPLANATION.

HON. MR. ALEXANDER—During the debate on Friday, from information which I had previously obtained, I stated that the whole white population of British Columbia was 16,000 souls, all told. Since that time one of the hon. Senators of this House reproved me, stating that I had been wrongly informed; that it was a larger number. I have since made it my duty to see Mr. Homer, one of the representatives in Parliament, of British Columbia, and he informs me that the number is 25,000. I desire, of course, to make the *amende honorable* for the mistake. I made the statement in good faith, believing I had correct information, and I am very glad to hear that the white population of the province is 25,000.

The Senate adjourned at 3:30 p.m.

THE SENATE.

Ottawa, Tuesday, February, 3rd, 1885.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

NEW SENATOR INTRODUCED.

Hon. James R. GOWAN was introduced, and having taken the oath prescribed by law, took his seat.

The Senate adjourned at 3.30 p.m.

THE SENATE.

Ottawa, Wednesday, February 4th, 1885.

The SPEAKER took the Chair at Three o'clock

Prayers and routine proceedings.

THE SESSIONAL COMMITTEES.

MOTION.

HON. SIR DAVID L. MACPHERSON moved the appointment of the following Select Standing Committee :—

JOINT COMMITTEE ON THE LIBRARY.

HON. WILLIAM MILLER, *Speaker.*

Hon. Messrs.

ALEXANDER,
ALLAN,
ALMON,
BAILLARGEON,
BELLEROSE,
BOUCHERVILLE, DE,
GOWAN,
HAYTHORNE,
LACOSTE,
MACPHERSON (Sir David L.),
ODELL,
PLUMB,
POWER,
RYAN,
SCOTT,
SULLIVAN,
TRUDEL,
WARK.

JOINT COMMITTEE ON PRINTING.

Hon. Messers.

CHAPIS,
DEVER,
GOWAN,
GUEVREMONT,
HAYTHORNE,
KAULBACH,
MCCLELAN,
MCMILLAN,
OGILVIE,
PELLETIER,
READ,
SULLIVAN,
VIDAL,
WARK.

BANKING AND COMMERCE.

Hon. Messrs.

ALLAN,
ARCHIBALD,
BELLEROSE,
BENSON,
BOTSFORD,
BOYD,
CARVELL,
CHAFFERS,
MACPHERSON (Sir David L.),
MCMASTER,
ODELL,
PAQUET,
PLUMB,
ROSS,
RYAN,
SIMPSON,
SMITH,
THIBAUDEAU,
TRUDEL,
TURNER,
WARK.

RAILWAYS, TELEGRAPHS AND HARBORS.

Hon. Messrs.

ALEXANDER,
ALLAN,
BOUCHERVILLE, DE,
CAMPBELL (Sir Alex.)
CARVELL,
CHAPAIS,
COCHRANE,
DICKEY,
FERGUSON,
FERRIER,
HAMILTON,
KAULBACH,
LEONARD,
MCCLELAN,
MCDONALD (Cape Breton),
MCKAY,
MCKINDSEY,
MACDONALD, (New Westminster),
MACINNES (Burlington),
MACPHERSON, (Sir David L.),
MONTGOMERY,
NELSON,
OGILVIE,
PLUMB,
POWER,
ROBITAILLE,
RYAN,
SCHULTZ,
SCOTT,
SMITH,
STEVENS,
SUTHERLAND,
TURNER,
VIDAL,

CONTINGENT ACCOUNTS.

Hon. Messrs.

ALEXANDER,
ARCHIBALD,
ARMAND,
BOTSFORD,
CAMPBELL (Sir Alex),
CHAFFERS,
CORMIER,
DEBLOIS,
DICKEY,
FERRIER,
FLINT,
GIRARD,
GRANT,
HAMILTON,
HOWLAN,
LEONARD,
MCCLELAN,
MCDONALD, (Cape Breton),
MCINNES (B. C.),
MCKAY,
MCKINDSEY,
MCMASTER,
MCMILLAN,
MACFARLANE,
MACPHARSON (Sir David L.),
NELSON,
ODELL,
O'DONOHOE,
PELLETIER,
POWER,
READ,
ROBITAILLE,
RYAN,
SCOTT,
SMITH,
VIDAL.

STANDING ORDERS AND PRIVATE BILLS.

Hon. Messrs.

Almon,	Lacoste,
Archibald,	McInnes (B. C.),
Armand,	McKay,
Bellerose,	McMillan,
Bolduc,	Macfarlane,
Botsford,	Montgomery,
Campbell (Sir Alex),	Nelson,
Carvell,	O'Donohoe,
DeBlois,	Ogilvie,
Dever,	Paquet,
Ferrier,	Pelletier,
Flint,	Power,
Girard,	Read,
Glasier,	Reesor,
Gowan,	Schultz,
Grant,	Scott,
Guevremont,	Sullivan,
Haythorne,	Sutherland,
Howlan,	Trudel,

The motion was agreed to.

THE SENATE DEBATES.

MOTION.

Hon. Sir DAVID MACPHERSON moved that the following Senators be appointed a Committee on the Debates of the Senate :—

Hon. Messrs.

Bolduc,	Schultz,
Boucherville, De,	Scott,
Haythorne,	Thibeaudeau,
Howlan,	Trudel,
Macfarlane,	Vidal.
Plumb,	

Hon. Mr. ALEXANDER—I am sure the hon. gentlemen who have just been named will endeavor to discharge their duty to the best of their ability. All of us who know the sentiment of the country must be aware that the Senate has fallen very much in public estimation. (No, No!) I only wish it were not so. I wish that I were not aware of the fact. When I visit the western counties of Ontario, and meet old Conservative friends, I wish I could say that I find them perfectly satisfied with the way in which we discharge our duties. Now, I am not going to enter into a long history of the reasons why the Senate has sunk in public estimation, but I do implore the Committee now named to see in future that the Hansard Reports find their way to the public. That is the sentiment of Western Ontario, and I know that in Western Ontario nothing is known of the proceedings of the Senate. I hope that the members of the Committee will endeavor to extend the circulation of the reports of the debates of this Chamber. Up to the present moment they have been sent only to the daily journals and the Judges of the Supreme Court. Within the last 12 hours the Debates Committee of the House of Commons have decided to send a copy of the bound volume of their Debates to every public journal in the country. I ask the Senate why should not the Debates of this Chamber be sent in the same way to every local journal in the Dominion? While we are throwing millions away in the canyons of the Rocky Mountains, surely we should not grudge a few hundred dollars to give the people information of how the government of the country is carried on. Why should not the Senate follow the example of the popular branch of Parliament? I have had to complain, session after session, of the action of the Committee appointed to manage the reporting of the debates of this Chamber. I have had to complain upon many grounds, and as long as I retain my health I will continue to express my views openly on the floor of this House, as a representative of the people. I am not a nominee of Sir John Macdonald. The Minister of Justice once insulted this House by telling them that I was ungrateful——

Hon. Sir ALEX. CAMPBELL—The hon. gentleman has no right to assert that I insulted the House.

Hon. Mr. ALEXANDER—I can only say I am very sorry that the hon. gentleman once made such an unwise speech. I stand here as a representative of the people because I was sent to Parliament by the people, and the Government placed me here when the last vacancy occurred. I am sure we shall not have to complain of the Debates Committee that they have not followed the example of the

House of Commons in sending a copy of our debates to every journal in every Province of the Dominion, so that the people who pay the taxes may know what their representatives in Parliament are doing.

HON. MR. POWER—I do not know whether the Committee who are about being appointed will be very much influenced by the remarks made by the hon. member for Woodstock, but for one reason I would be sorry that they should. The practice adopted in this House during the last few years has been to send the reports of the Debates of the Senate to the different journals throughout the country according as the formes were printed. In the House of Commons, where they had pursued the same system, they have decided to follow the course recommended here by the hon. member for Woodstock, and instead of sending the reports of the Debates as they are printed, to forward the bound volumes at the close of the session. I think it must strike every hon. gentleman that the latter mode of procedure is not nearly as likely to bring about the end which the hon. member seems to desire, as the system which has been in operation for some years past. If the newspapers throughout the country do not think it worth while to give up space to the publication of our Debates upon subjects in which an interest is being taken at the time, it is altogether improbable that after the close of the session, and when those debates have lost whatever interest they might have possessed for the country, those newspapers would be disposed to copy them out of the bound volumes. I presume it was not necessary that I should say what I have said, but I think it only right to state that I do not concur with the hon. gentleman.

THE COX DIVORCE BILL.

PETITION RECEIVED.

HON. MR. OGILVIE moved that the petition of George Branford Cox, praying for the passing of an Act to dissolve his marriage with Emily Cox, be now read and received.

HON. SIR ALEX. CAMPBELL—Under the rule of the House upon the second reading of the petition, evidence should be given of the service of the notice of this petition upon the respondent.

The notice was read by the Clerk at the table, and is as follows :—

37 Vic., C., 37, D.

In the matter for an application for a divorce of George Branford Cox, of the town of Goderich, in the County of Huron and Province of Ontario.

I, George Robert Robinson, of the City of Los Angeles, in the County of Los Angeles, in the State of California, one of the United States of America, Carpenter,

Do solemnly declare that upon the thirty-first day of October, one thousand eight hundred and eighty-four, I personally served Emily Cox, mentioned in the within notice, with a true copy of the said notice hereto annexed, marked "A."

That the said Emily Cox is now living with one John Elwood Ellis, at St. Gabriel, in the said State of California, as his wife.

That I formerly lived in the said town of Goderich, and well knew the said George Branford Cox, and also knew his wife, the said Emily Cox, and the person I knew in the said town of Goderich as the wife of the said George Branford Cox is the same person who I to-day served with a copy of the annexed notice, and who is living with the said John Elwood Ellis as his wife.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Act passed in the thirty-seventh year of Her Majesty's reign, "An Act for the Suppression of Voluntary and Extra-judicial Oaths."

Declared before me at the City of Los Angeles, in the County of Los Angeles, State of California, this thirty-first day of October, A.D., 1884.

A. C. HOLMES, [L.S.]
Notary Public.

Notice is hereby given that George Branford Cox, of the Town of Goderich, in the County of Huron and Province of Ontario, gentleman, will apply to the Parliament of the Dominion of Canada, at the next Session thereof, for a Bill of Divorce from his wife, Emily Cox, formerly of the said Town of Goderich, but now of California, in the United States of America, on the grounds of adultery and desertion.

CAMERON, HOLT & CAMERON,
Solicitors for the said petitioner
George Branford Cox.

Dated at the said Town of Goderich, the 23rd day of August, A.D., 1884.

HON. SIR ALEX. CAMPBELL—We are obliged to see that the rules are strictly

complied with in reference to all these divorce matters, and I do not think they have been with reference to this declaration. In the first place, it does not appear by the declaration where the respondent was at the time she was served with notice. That particular ought to be in the paper, because the identity of the woman has to be established in such a way as will be satisfactory to Parliament; and it might also, possibly, become necessary afterwards to lay an indictment for perjury in some of those cases. Therefore, I think it is necessary to have a statement of every detail, and it does not appear in this declaration where the woman was at the time she was served. The rule is that she is to be served with a copy of the notice, and also with the notice as it appeared in the *Canada Gazette*. The rule is: "Every applicant for a Bill of divorce is required to give notice of his intended application, and to specify from whom and for what cause, by advertisement, during six months in the *Canada Gazette*, and in two newspapers published in the district, in Quebec and Manitoba, or in the county or union of counties in the other Provinces where such applicant usually resided at the time of the separation, or if the requisite numbers of papers cannot be found therein, then in the adjoining district, or county or union of counties. The notice for the Provinces of Quebec and Manitoba is to be published in the English and French languages."

Now it does not appear in the declaration in this case that that notice was published in the *Canada Gazette*, at all or anywhere else. There is another serious objection to this declaration; it is that it has been made before a foreign notary. I would suggest to my hon. friend who has charge of the petition to allow the matter to remain over for a day or two, and in the meantime to supply a new declaration, or new evidence to show that this service was effected at some particular place. I presume from what is said here, that it was effected really at St. Gabriel, California, but it does not say so, and evidence to the effect that the notice that was served is identical with the notice that appeared in the Official *Gazette* is also necessary.

HON. MR. OGILVIE—moved that the Order of the day be discharged, and that the reading of the petition be an Order for Tuesday next.

The motion was agreed to.

THE DAVIS DIVORCE BILL.

SECOND READING OF PETITION.

HON. MR. OGILVIE moved that the petition of Amanda Esther Davis, praying for the passing of an Act to dissolve her mariage with Joseph DeSola, be now read and received. He said: I may say to the House that there are two witnesses here in connection with this case—one from Boston, and from New York,—who have been waiting here for some time, and are ready to be examined if required.

The Clerk read the declaration of the service of notice as follows:—

"ONTARIO, COUNTY OF CARLETON, TO WIT

I, George H. Mullin, of the City of Boston, in the State of Massachusetts, one of the United States of America Counsellor at Law, do solemnly declare:—

"1. That I did, on Wednesday, the twenty-fifth day of June, A.D., 1884, personally serve one Joseph DeSola with a true copy of the annexed notice of application to the Parliament of Canada, marked "A," by delivering to and leaving the same with him, at his lodging house, in the said City of Boston, being No, 38 Dover street.

"2. That the said Joseph DeSola is personally known to me, and believe him to be the person in said notice of application referred to.

"And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of an Act passed in the thirty-seventh year of Her Majesty, intituled: 'An Act for the Suppression of Voluntary and Extra judicial Oaths.'

"Declared before me at the City of Ottawa, in the County of Carleton, this third day of February, A.D., 1885.

A. F. McINTYRE,
A Commissioner, &c.

GEORGE H. MULLIN.

"A."

"Notice is hereby given that an application will be made to the Parliament of Canada at the next session thereof on behalf of Dame Amanda Esther Davis, of the City and District of Montreal, for a Bill of Divorce from her husband, Joseph DeSola, heretofore of the same place, merchant, on the ground of cruelty and adultery.

Dated at Montreal, this 3rd day of June, 1884.

KERR, CARTER & GOLDSTEIN,
Solicitors for Appellants.

HON. SIR. ALEX. CAMPBELL—In this case there is an objection—I do not know whether the house will consider it of sufficient consequence to require that the witness be called to the bar. The declaration does not state distinctly that the Joseph DeSola whom he served, is the DeSola against whom the application is made. He says he knows one Joseph DeSola, and that he believes him to be the person referred to in the notice of application. I should think that is sufficient, but if the House thinks otherwise we might call the witness to the bar. He served a person named DeSola, and he believes he is the person named in the petition. There is another objection, but I do not know whether the House will consider it one: this notice, which is served is not identified in any way with the notice which appeared in the *Canada Gazette*. The rule requires that a copy of the notice, in writing, as it appears in the *Canada Gazette*, and in two newspapers published in the district where the applicant usually resided, is to be served, at the instance of the applicant, on the person from whom the divorce is sought, if the residence of such person can be ascertained; and proof on oath of such service, or of the attempts made to effect it, to the satisfaction of the Senate, is to be adduced before the Senate on the reading of the petition. There should be some evidence to show that the notice served on DeSola is a true copy of the one that appeared in the *Gazette* so as to identify the proceedings and make the record of the transaction complete. If the hon. gentleman is in a position to establish that it is a true copy, I would suggest that he should put that proof in. A copy of the *Canada Gazette* might do it.

[The notice served having been compared with the notice published in the *Canada Gazette* was deemed to be a correct copy, and the motion was agreed to, and the petition was read and received.]

THE SMITH DIVORCE BILL.

PETITION READ AND RECEIVED.

The Order of the Day having been read, "Reading Petition of Charles Smith, praying for the passing of an Act to dissolve his marriage with Mahala Mevilda Zufelt."

HON. MR. READ said:—Before asking that the petition be read and received, I put in the declaration of service of notice upon the Respondent. If the declaration is not deemed sufficient by the House, there is a witness in attendance to prove the service.

The Clerk reads the declaration of service at the table, as follows:

"In the matter of Charles Smith, application for Divorce from his wife, Mahala Smith.

"ONTARIO, COUNTY OF NORTHUMBERLAND, TO WIT:

"I Charles Levis, of the City of Belleville, County of Hastings, Gentleman, do solemnly declare:—

"That I did in afternoon of Thursday, the eleventh day of September, in the year of Our Lord, One thousand eight hundred and eighty-four, about three o'clock, personally serve Mahala Smith, the wife of Charles Smith, of the Village of Campbellford, in the County of Northumberland, Province of Ontario, Miller, with a true copy of the hereunto annexed Notice of application for a Divorce, by handing to and leaving with the said Mahala Smith, at the house of Charles Perkins, in the Township of Laxton, in the County of Victoria, where the same Mahala Smith was then residing, the said copy of said Notice.

"Before I served the said Mahala Smith with such copy of such notice I informed her that it was a notice of an intended application by her husband to the Parliament of Canada for a Bill of Divorce from her, and that I served her the said copy of the Notice at the instance of her husband and at his request. I also told her the Notice was published in the newspapers published at Campbellford and Cobourgh, in the County of Northumberland, and known as the Campbellford *Herald* and Cobourgh *Sentinel Star*, and in the Canada *Gazette*, published at Ottawa, in the County of Carleton, whereupon she said: "What is it going to amount to?"

I have known the said Mahala Smith for seven years.

And I make this solemn declaration, conscienteously believing the same to be true, and by virtue of the Act passed in the thirty-seventh year of Her Hajesty's reign, intituled: "An Act for the suppression of Voluntary and Extra-Judicial Oaths."

"Declared before me at the Village of Campbellford, in the County of Northumberland, this thirteenth day of September, A.D. 1884.

DANIEL KENNEDY,
J. P. CHARLES LEVIS.

"A."

Notice is hereby given that Charles Smith, of the Village of Campbellford, in the County of Northumberland, in the Province of Ontario,

Miller, will apply to the Parliament of Canada, at the Session thereof next after the expiration of Six months from the date of this Notice for a Bill of Divorce from his wife, Mahala Smith, on the ground of adultery.

Dated at Campbellford this 2nd day of July, A.D., 1884.

CHARLES SMITH,
By his Solicitor, *ad litem*,
A. L. COLVILLE.

To MAHALA SMITH.

HON. SIR ALEX. CAMPBELL—This seems to me to be a perfect compliance with the rules of the House, and perhaps it might be as well in some way or another, after the present Session, to call attention to the particularities of the procedure required by the House in those Divorce matters. In this case the deponent expresses that he knows the woman, that he served her with the notice at a particular locality, which he specifies; that the paper he served her with was the notice that had appeared in the local papers and in the *Canada Gazette*, so that as far as this stage of the case goes it is made complete and perfect.

HON. MR. READ—I will now put in the exemplification of judgment in the case of Smith v. Parker.

The motion was agreed to, and the petition was read and received.

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

INQUIRY.

HON. SIR ALEX. CAMPBELL moved that the House do now adjourn.

HON. MR. HAYTHORNE—Before the House adjourns I might be permitted to ask the leader of the Government a question,—without notice—whether the Department of Marine and Fisheries has had any information respecting the late disaster to the ice-boats in which it is reported there were two members of Parliament, by detention in the ice in the Straits of Northumberland?

HON. SIR ALEX. CAMPBELL—The only communication which is special to the Government at all was one mentioning the disaster, and that persons were injured by it, to which a reply was sent that the boatman would be treated as mariners, and that they should be sent at the public expense to the hospital, where they would be taken care of.

HON. MR. HAYTHORNE—I may say that the service having been disorganized by three boats' crews being disabled, if the hon. gentleman is in possession of any information that he can bring down to-morrow, the members from the Island Province who are deeply interested in it will be very much obliged to him if he will do so.

HON. SIR ALEX. CAMPBELL said he should be very glad to bring down any information on the subject that was in the possession of the Government.

The Senate adjourned at 5 p.m.

THE SENATE.

Ottawa, Thursday, Feby. 5th, 1885.

THE SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

NEW SENATOR INTRODUCED.

Hon. Francis CLEMOW was introduced, and having taken the oath prescribed by law, took his seat.

REPORTS OF COMMITTEES.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, presented their first report, recommending a reduction of the quorum.—Adopted.

HON. MR. READ, from the Committee on Standing Orders and Private Bills, presented their first report, recommending a reduction of their quorum.—Adopted.

Also, their second report, recommending that the time limited for receiving petitions for private bills be extended to Thursday the 19th inst.

Also, their third report, setting forth that the 72nd rule of the Senate had been

complied with in the Davis and Smith divorce cases.—Adopted.

HON. MR. PLUMB, from the Committee on Banking and Commerce, presented their first report, recommending that the quorum be reduced.—Adopted.

HON. MR. HOWLAN, from the Committee on Contingencies, presented their first report, recommending that the quorum be reduced.—Adopted.

THE SMITH DIVORCE BILL.

FIRST READING.

HON. MR. READ introduced Bill (B) "An Act for the relief of Charles Smith."

The Bill was read the first time.

HON. MR. READ moved that the second reading be fixed for Friday, the 20th instant.

HON. MR. TRUDEL—It is well known that many hon. members of the Senate consider it their duty to oppose these divorce bills at every stage. It is not customary, however, for those who are opposed to the principle of a measure to ask the House to divide upon it until it comes up for the second reading. I think it would be advisable, therefore, that the minority, who object to these divorce bills, should enter their protest against them by having each stage entered upon the minutes as being carried on a division. The vote need only be taken, then, at the second reading.

The motion was agreed to on a division.

THE DAVIS DIVORCE BILL.

FIRST READING.

HON. MR. OGILVIE introduced Bill (C) "An Act for the relief of Amanda Esther Davis."

The Bill was read the first time, on a division.

HON. MR. OGILVIE moved that the Bill be read the second time on Friday, the 20th instant.

The motion was agreed to, on a division.

The Senate adjourned at 3.50 p.m.

THE SENATE.

Ottawa, Friday, February 6th, 1885.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE EVANS DIVORCE BILL.

READING OF THE PETITION.

The Order of the day having been called :—

Reading Petition of Alice Elvia Evans, praying for the passing of an Act to dissolve her marriage with Owen Morton Evans—

HON. MR. McMASTER said—I presented the Petition in this case, but I suggested that it should be conducted by a legal gentleman. The hon. member from Barrie will take charge of it.

HON. MR. GOWAN—I move that the Petition of Alice Elvia Evans, praying for the passage of an Act to dissolve her marriage with Owen Norton Evans, be now read and received. It is impossible to exaggerate the importance of a strict adherence to forms and procedure in matters of this grave character. I do not mean a pedantic exactness which would substitute the means for the end, but an adherence to all that is substantial as prescribed by the rules of this hon. body. I have endeavored to see what has been done in the past. I have looked over the cases of 1882 and 1883, and also examined the rules, and I think my hon. friend, the Minister of Justice, and other hon. gentlemen will find the papers I present in exact and very intelligent compliance with all that is necessary in cases of this kind. Not only does the person who made the necessary declaration know the respondent, but he also states where he served it, when he served it, and his knowledge that he is the man described as the respondent in the procedure. I can vouch for the person who took the declaration being, as he is described to be, a notary public, and I happen personally to know his signature, so that from my seat in the House here I can vouch for that fact. I am bound to say, however, that there is

one small point which may be considered important, and to which the Minister of Justice referred on another matter similar to this—that the form of notice is not shown to be the identical form as published in the *Gazette*. Possibly he might consider the rule to apply, "*id certum est quod certum reddi potest*," but, at all events, to make the matter sure, I provided myself with a copy of the *Gazette* to which the Minister of Justice can refer, and it will be found that not merely every form and requirement has been complied with, but that it has been complied with in a very intelligent manner.

HON. MR. READ—I do not understand that the House is in possession of the declaration and notice of service.

HON. SIR ALEX. CAMPBELL—Oh yes, of the Petition itself.

HON. MR. READ—The House is not in possession of it yet.

HON. SIR ALEX. CAMPBELL—The question is not upon the service of the Bill, but the service of the Petition, and the hon. gentleman who has charge of the Petition gave me an opportunity of looking at the evidence of service and it seemed to me complete. The affidavit is by one Andrew Moag.

"1. That I did on Wednesday, the fourth day of June, 1884, serve Owen Norton Evans, in the annexed Notice named, with a true duplicate of the said annexed Notice by delivering such duplicate to himself personally at the warehouse of Wilson Brothers, in the Town of Owen Sound aforesaid.

"2. That I am and have been intimately acquainted with the said Owen Norton Evans for the past five years, and know that the person so served by me is the husband of Alice Elvira Evans, of the City of Toronto, Dressmaker, in the said annexed Notice named."

And the notice is :

"Notice is hereby given that application will be made to the Parliament of Canada at the first Session thereof which may be holden after the expiration of six months from the date of this Notice by me Alice Alvira Evans, *née* Johnson, of the City of Toronto, in the Province of Ontario, for a Bill of Divorce from my husband, Owen Norton Evans, formerly of the City of Hamilton, and now of the Town of Owen Sound, in the County of Grey, and the Province of Ontario, Upholsterer, on the grounds of adultery and desertion."

Then my hon. friend from Barrie says he has compared this with the notice in the *Gazette* and finds that it is a correct copy.

HON. MR. READ—The House is now in possession of this evidence.

The SPEAKER—The time to put that in will be after the motion of the hon. member from Barrie is agreed to.

The motion was agreed to on a division, and the Petition was read and received.

THE TERRY DIVORCE BILL.

READING OF THE PETITION.

HON. MR. READ moved that the Petition of Fairy Emily Jane Terry, praying for the passing of an Act to dissolve her marriage with Charles Hunter Terry, be read and received.

The SPEAKER—Will the hon. gentleman allow me to remark that I think it would be as regular a course if in sending the motion to the Clerk he would send the declaration with it.

HON. MR. READ—The motion and all the necessary papers ?

The SPEAKER—Yes, and explain to the House what they are.

HON. MR. READ—I now send with the motion the affidavit of the serving of the Bill, declaration of the serving of the notice, and also proceedings had in the High Court of Judicature in Ontario, so far as they have gone.

Order for the payment of alimony, and affidavit of service of a copy of the notice on the Respondent were then read.

HON. SIR ALEX. CAMPBELL—The service seems perfect and complete.

The motion was agreed to on a division, and the Petition was read and received,

PETITIONS FOR PRIVATE BILLS.

MOTION.

HON. MR. LACOSTE moved the the adoption of the second report of the Committee on Standing Orders and Private Bills. He explained that it was merely a recommendation that the time for receiving Petitions for Private Bills be extended to Thursday, the 19th instant.

The motion was agreed to.

The Senate adjourned at 3:45 p.m.

THE SENATE,

Ottawa, Monday, February 9th, 1885.

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

The Senate adjourned at 3:30 p.m.

THE SENATE

Ottawa, Tuesday, February 10th, 1885.

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

THE PRINTING OF PARLIAMENT.

FIRST REPORT OF THE COMMITTEE ADOPTED.

HON. MR. READ, from the Joint Committee on the Printing of Parliament, presented their first report recommending that their quorum be reduced to nine members.—Adopted.

THE COX DIVORCE BILL.

THE PETITION READ.

HON. MR. OGILVIE moved that the Petition of George Branford Cox, praying for the passing of an Act to dissolve his marriage with Emily Cox, be now read and received. He said :—Since this Petition was before the House last week I have received evidence which I think will be satisfactory to the Senate.

HON. SIR ALEX. CAMPBELL—When this motion was made on a previous occasion, the affidavit of service of the Petition upon the respondent was not considered satisfactory, for several reasons which were pointed out at the time, amongst others one being that it was sworn before a notary public in a foreign country, and there was no authority under our rules for the swearing of an affidavit before such a functionary. Another reason was that there was no statement of the place where the petition was served on the respondent, and I think there were one or two other objections. Since then, as the hon. gentleman from Montreal has said, further evidence has been received. I have had an opportunity of looking at this further evidence, and it seems to me such as will be satisfactory to the House. Hon. gentlemen will bear in mind that the evidence is not such as would be required to satisfy a court of law, but evidence which will be satisfactory to the House. This additional evidence is the affidavit of Philip Holt, of the Town of Goderich, who swears that he is solicitor for the said George Branford Cox, "that J. W. M'Kinley, of Los Angeles, in the State of California, is the Attorney for Emily Cox, who resides in the said State of California. That the said Emily Cox is the person from whom the said George Branford Cox is now seeking a divorce. That upon the 6th day of February, 1885, I sent the telegram which is now shewn to me marked 'A,' and which is hereto annexed, to the said J. W. M'Kinley; and I did, on the 7th day of February, 1885, receive the reply which is now shewn to me marked 'B.'" The House will observe that the deponent says this M'Kinley is the attorney of Emily Cox. He swears to that as a matter of fact. The telegram is dated Los Angeles, California, February 7th, and is as follows :—

"To CAMERON, HOLT and CAMERON, Goderich,

"Service of Notice of application of George Branford Cox for divorce admitted.

"J. W. M'KINLEY, Attorney for Mrs. Emily Cox."

There, therefore, is a direct admission from the person who is sworn to be the attorney of Mrs Cox, of the service of the papers upon her at Los Angeles, and this is accompanied by the letter, which I have also read, from the first person who effected the service, and who details at considerable length the mode he took to effect it, and he identifies herself and the person with whom she is living, and establishes that she is the person from whom the petitioner seeks to be divorced; that service was effected on her, at this place in California, of a copy of the notice which appears in the *Gazette* and which is attached to the affidavit; so in my humble opinion there is sufficient evidence to satisfy the House that the petition has been duly served.

The motion was agreed to, and the Petition was read and received on a division.

Hon. Mr. POWER—I should ask to have the original declaration of the party who served the notice read. I believe it was read some days since, but I think it would be more regular to read it now.

Hon. Sir ALEX. CAMPBELL—The motion is passed, but I will read it. (Declaration read.)

THE HATZFELD DIVORCE BILL.

THE PETITION READ.

Hon. Mr. KAULBACH moved that the petition of George Lewis Emil Hatzfeld be now read and received. He said—Before the reading of the petition, according to the rules of the House, it is necessary for me to show to the satisfaction of hon. gentlemen that a copy of the notice for a Bill of Divorce has been served upon the party. I have that declaration before me, and I think every essential form has been complied with. The notice was served on Annie Maria Hatzfeld personally in Toronto on the 24th November last, at the place where she resided, she acknowledging at the time that she was the party against whom the application was made, and named in the notice. The person who served the notice does not say that he is personally acquainted with the respondent, but the House will agree with me that when the party admitted that she was the person for whom the notice was intended, it is evidence which may be considered satisfactory. I have no identification of the party himself, but the declaration is made before A. M. Creelman, notary public, in Toronto. At a former sitting of the House it was considered necessary to show that the person making the declaration was the person he purported to be. I do not think that is necessary, but I am in this fortunate position that the hon. member for Barrie (Mr. Gowan) knows the party personally, and knows his signature, and therefore the objection on that score will be removed. I have examined the notice for application for the Bill of Divorce, and the notice annexed to the declaration is a copy of the notice with some unessential words in it. I do not think that these additional words will affect it at all. I did not consider it necessary to bring a copy of the *Gazette* to the House, but I have read the notice, and I think this is substantially a copy of the notice which was published. As the hon. member for Barrie said, the House could take judicial notice of it itself, that it is a matter of certainty, according to the legal maxim he then gave us: *id certum est quod certum reddi potest.* I may say I have shown the declaration to the Minister of Justice, who has said to me that he believes all the requirements of the petition have been complied with.

Hon. Sir ALEX. CAMPBELL—I have also had the opportunity of looking at the evidence proving the service of the petition in this case, and it seems to me to be satisfactory in all respects, except that the identity of the person is not sworn to by the witness, but there is the statement which the hon. gentleman has alluded to which is made by the respondent, who admits that she was the party for whom the notice was intended. It seems to me, therefore, that if the service was made upon a person going by that name, who, in so many words, admitted that she was the wife of the man whose petition we are considering, that that would be sufficient to satisfy the House.

Hon. Mr. POWER—I do not venture to express a different opinion from the

Minister of Justice, but I think the Senate ought to be very particular as to this step in these divorce cases. All the subsequent proceedings are based upon the service of this notice on the defendant, and unless it is made perfectly clear that the defendant, or the party proposed to be made defendant, has been duly served, the subsequent proceedings are all irregular. Now, I think that one of the most essential elements in the service is that there shall be no doubt whatever of the identity of the person. The Minister of Justice must know that very often these divorces are sought by collusion. I think that this tribunal has to protect itself against the risk of collusion as well as the ordinary courts of the country. Then, it may be that this person who was served was not the wife of the petitioner at all, but some woman representing herself to be his wife in order to further the ends of the petitioner looking for the divorce. I think that that is a very essential matter, and that it is to be regretted that there should be such an omission in the declaration. We have gone a long way in allowing these declarations—they are not even oaths—to be used instead of sworn evidence at the Bar of the House, which the Senate required a few years since, and I think that we should not proceed any further than we have already gone in the direction of making the procuring of these Bills easy. I notice too, if I am not mistaken, by the glance that the hon. member for Lunenburg allowed me to have of that declaration of service, that the document which was served upon the supposed wife is not an exact copy of the notice which appeared in the *Gazette*. Now, our rule requires that the party shall be served with a copy of the notice which appears in the *Gazette*.

HON. SIR ALEX. CAMPBELL—I thoroughly agree with my hon. friend in his introductory remark as to the importance of this particular step in these divorce proceedings, but it seems to me that sufficient evidence has been furnished of the service of the notice in this case. The rules of the Senate do not require such evidence as would be necessary in a court of law; it must be such evidence as will be satisfactory to the Senate. In this case the notice is that an application will be made to the Parliament of Canada at the next session thereof on behalf of George Louis Emil Hatzfeld, of the City of Hamilton, accountant, for a Bill of Divorce from Annie Maria Hatzfeld, his wife, formerly of the town of Dundas, on the ground of adultery and desertion. The House will see that the man himself is described at length, and his residence and occupation are given, and that the woman is described at length by name, and her former residence is mentioned. The declaration states that the man who served the notice did, on the 24th day of November, 1884, "personally serve Annie Maria Hatzfeld with a copy of the notice of the application to the Parliament of Canada herein by delivering such copy to and leaving the same with her at number 252 Ontario Street, in the said City of Toronto. At the time of such service as aforesaid, the said Annie Maria Hatzfeld admitted to me that she was the party for whom the said notice was intended, and that she was the Mrs. Hatzfeld referred to in the said notice." A distinct admission of that kind to the man who served the notice is evidence which, I humbly submit, ought to be satisfactory to the House. Then as to the declaration not being at the Bar of the House, that we disposed of in a previous session.

HON. MR. POWER—I did not object to that.

HON. SIR ALEX. CAMPBELL—We are satisfied with a declaration which involves all the legal penalties of perjury without asking people to take an oath, which some persons have scruples in doing. As to the surplusage in the copy served, it seems to be of no moment. The words which have been added are: "in the County of Wentworth," and "to you." In the *Gazette* it appears: "notice is hereby given that an application, etc." In the copy served on the respondent it is "notice is hereby given to you that an application, etc." Then in the notice in the *Gazette* the description of the residence of the petitioner ends with "the City of Hamilton." In the copy served on the respondent it is "the City of Hamilton, in the County of Wentworth." These additional words do not create any uncertainty as to the place of residence

but rather make it more certain. We are not tied down to the exact words of the *Gazette*, if the words added are of no consequence, or if they tend to make more certain the notice in the *Gazette*. It seems to me these are not objections which ought to prevail in the House.

The motion was agreed to on a division, and the petition was read and received.

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Wednesday, February 11th, 1885.

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

PRIVATE BILLS.

TIME FOR PRESENTING EXTENDED.

HON. MR. LACOSTE, from the Committee on Standing Orders and Private Bills, presented their fourth report, stating that in the Evans, the Terry and the Hatzfeld divorce cases the rules of the House had been complied with; also recommending that in the Cox divorce case the 72nd rule be suspended.

Also the fifth report of the Committee, recommending that the time for presenting Private Bills be extended to Thursday the 26th instant.—Adopted.

BILLS INTRODUCED.

Bill (D), "An Act for the relief of George Louis Emil Hatzfeld. (Mr. Kaulbach).

Bill (E), "An Act for the relief of Fairy Emily Jane Terry. (Mr. Read).

THE COX DIVORCE CASE.

MOTION.

HON. MR. OGILVIE moved that the 72nd rule be dispensed with in so far as it relates to the petition of George Branford Cox, as recommended in the fourth report of the Committee on Standing Orders and Private Bills.

HON. MR. SCOTT—It has been a well understood principle which prevails in this Chamber—at least well understood by a considerable section who are opposed to divorce—that all the rules laid down by the Senate should be scrupulously observed, and that there should be no relaxation whatever in any instance. I do not now speak of the merits of this case, or say whether it is an important relaxation or not, but I call the attention of the Senate to it, and feel that it is incumbent upon us, on the principles we have ourselves laid down, to insist that all the rules be strictly complied with. If we once open the door there is no knowing where we shall stop, and it is the first case I think—at least the first to which my attention has been called—in which a relaxation of the rules has been asked for. I for one should not be disposed to consent to it.

HON. SIR ALEX. CAMPBELL—I am disposed to agree with the hon. gentleman that we should not consent to a relaxation of the rules in any case of this kind. I think the Committee have been induced to make this report because recommendations of the same kind have been made with reference to ordinary bills, but I have no recollection of any such recommendation having been made with regard to Bills of Divorce, and I agree with my hon. friend that the full notice required by the rules of the House should be given. I do not think it would be safe for us to proceed with a Bill of Divorce unless that full notice has been given. I would suggest to my hon. friend from Montreal that he should defer this motion until the House has had time to consider whether they will, in the case of a Divorce Bill, agree to any relaxation of their rules. If my hon. friend will postpone his motion until the day after to-morrow the members will be afforded time to consider that question.

HON. MR. OGILVIE—My only reason for asking that the rule be dispensed with in this case is that the informality has been very trifling indeed. It is simply that the notice was not published in the local paper for the full two weeks. It was

published in the *Canada Gazette* for the time required by our rule. We have an acknowledgement from the party against whom the Bill is asked, that the notice was duly served upon her, and I think every member of the Committee was satisfied that proper notice had been given. Had the notice been published in the *Huron Signal* for the two full weeks the rule would have been fully complied with. Of course I am in the hands of the House, and I am quite willing to let the motion stand as suggested.

Motion postponed until Friday next.

THE BANK OF UPPER CANADA.

ENQUIRY.

HON. MR. ALEXANDER rose to

Call the attention of the Senate to the remissness of the Government in realizing all the *bona fide* assets of the Bank of Upper Canada, in discharge of the large debt of $1,100,000, due by that institution to the country, and enquire whether the Government propose to take any further steps to realize on the same.

He said: I know that the two motions which I have on the paper to-day are of a character to awaken much feeling. That does not concern me. If we do not labor to check the wicked course of a few men in high position, the moral leprosy will spread. The industrial classes in the rural districts, and even in our cities, are a God-fearing people, trying to do what is right under the guidance of their excellent teachers and pastors, but there is a class of society, which I hope is limited, who think that wealth, grand mansions and titles are everything, and they will do anything to obtain money to keep those up. If they cannot do so by fair means, they try foul means, and they care not who they may injure. I am sure I could not bring this subject before a more competent tribunal than the high court of Parliament. I need not say to the House that I move in this matter from a sense of public duty, and not as a shareholder of the old bank, although the loss I sustained as a shareholder brought me almost to want, blighting very much the prospects of my family, inasmuch as I was in a measure deprived of the means of educating them.

It is unnecessary for me to say that I move now as a representative of the people who have lost upwards of a million of dollars by the failure of that bank; and the people of this Dominion have a right to know what has become of all its assets. Those were first placed in the hands of Mr. C. J. Campbell (brother of the present Minister of Justice) and Mr. Peleg Howland, who, as Government Trustees, reported to the Government on the 22nd of May, 1868, that after a close and careful examination, they were afraid there would be a deficiency of $509,284, after realizing all the assets.

Our inquiry to-day is, what has become of the other half million? The history of that bank from the year 1858 is a dreadful one. Its collapse did not arise entirely from ordinary commercial losses. A large part of its capital ($3,000,000) as also $1,000,000, borrowed from the Government, was wickedly plundered by men in high position, some of whom are now in this chamber, and have to-day luxurious carriages, with servants and liveries, flaunting their ill-gotten wealth in the faces of the ruined shareholders.

I was a director of that bank from 1860 until its doors were closed (1866) and know its whole history. Another member of this House, the Hon. G. W. Allan, was, during that period, president of the Bank. He is a gentleman standing at the head of different religious institutions, president of the British and Foreign Bible Society in Toronto. At every annual election of directors of the bank, he always held the proxies of the poor widows and orphans and smaller shareholders, who placed them in his hands from the confidence they had in him, and he thus retained his position as president, although one of its heavy debtors, until the bank went down. The result of the management under his presidency was that the bank became insolvent, spreading misery and woe in a hundred households. My next neighbor, a man highly respected in the County of Oxford, had, as a shareholder, his means of support taken from him—sank into his grave with a broken heart, and his family of daughters was left in sad circumstances. I could name a score of other families who were thus the victims of that foul conspiracy.

If those wicked and heartless men, in high position, who have caused this suffering and woe, were to follow some of their victims to their impoverished and destitute homes, they could scarcely derive pleasure from their luxurious mansions and other trappings of life, sustained with money which has been taken from the poor.

It is not my purpose to expose one quarter the crime practised by those men in high position in connection with that old bank.

I could a tale unfold, which would shock the moral sense of every honest man. But I refrain from doing so, out of consideration for the age of the parties and the prominence of their position.

I now come to the question: what has become of that half million of missing assets? In the last report of the Committee of the Privy Council, signed "John Rose, Minister of Finance," it appears to be assumed that there will be only a deficiency of $500,000. Should not a Committee of Parliament make a thorough investigation of the assets, to see what the different solvent debtors have actually paid? It is rumored in Toronto that certain political supporters of Sir John Macdonald have had their debts, what is called, "settled." Is it possible that a Canadian Government can have been so depraved as to deal thus with the people's money, and thus reward their political supporters by remitting portions, or the whole of their debt which they were owing to the country? This is a new phase of political crime. I would respectfully ask the Hon. G. W. Allan, who was the last president of that insolvent bank—living as he is in one of the so termed parks of Toronto—has he paid the debt of $36,000 and interest which he owed in the books of that bank? I hope that I shall not be driven to mention other names still more prominent.

Now, if the House will kindly grant me its indulgent ear, I will show how the whole of the debt due by that Bank can be recovered, and thus, $1,000,000 saved for the country. It is a matter of history that in 1858-59 the Grand Trunk Railway were owing certain contractors $1,000,000 which they were unable to pay. The Barings and the Glynns would not advance any more money to that railway. Those contractors were thus in a very critical position, for that railway's credit was completely impaired. But one of the contractors was a man equal to the emergency. He got himself and another gentleman into the Bank Board during that period, for I hold in my hand the names of that Board during 1859, and by a dexterous move (quite worthy of a Scotchman) they induced the late Mr. Thos. Ridout—who had been, up to that period, a most upright and successful cashier of the Bank—to become a Director of the Grand Trunk Railway, and in that capacity, draw two sterling drafts of £100,000 sterling each, upon the London bankers, knowing they would lie dishonored; and the said Thos. G. Ridout was prevailed upon, as cashier of the Bank of Upper Canada, to pay over that large amount, namely $1,000,000 to that very distinguished gentleman of Celtic origin for the benefit of himself and his co-contractors; and as a matter of course a large portion of that $1,000,000 of the Bank capital was thus lost.

I have taken the highest legal opinion in regard to this matter, and I am assured that an action for breach of trust could to-day be instituted by the Government, with the certainty of recovering the amount of the loss from that gentleman.

I see before me an hon. member of this House, now present, who could give valuable evidence in regard to that transaction. He knows all about it, because he and his powerful friend were members of the Board for a limited portion of that year, and I am sure that a gentleman of his patriotism will be desirous to aid the Dominion Government in recovering their loss. I need not say that I mean the Hon. Sir David Lewis MacPherson, Minister of the Interior, a member of this uon. House, who, to my knowledge, was on that Bank Board, during that eventful period, and when he went out, I became a member of the Board soon after.

HON. MR. ALLAN—However unwilling I may be to drag any personal matter before this House, it is scarcely possible, after the allusions which have been made to me in such untruthful and malicious terms, by the hon. gentleman behind me, to refrain from doing so, and therefore I would ask the patience of the House

while I call their attention to a few facts connected with the history of the Bank of Upper Canada at the period to which the hon. gentleman has referred, and especially in relation to my own connection with the bank. I suppose, hon. gentlemen, that there are very few in this House who do not remember the wave of financial depression and distress which passed over this country in 1857, 1858 and 1859, when real estate became almost unsaleable and many men who were reputed to be wealthy found themselves reduced almost to beggary. I left everything bright and prosperous in Canada two years before that and I returned from abroad to find myself unexpectedly involved in very serious losses and difficulties, largely due to the failure of others to meet their obligations to me, and largely due to very heavy responsibilities which I was obliged to assume, in which I had no personal concern whatever, any more than the hon. gentleman who has just addressed you. The outlook at that time, as hon. gentlemen will remember, was dark and gloomy enough. Real estate had gone down hopelessly in value. It was almost impossible to raise money, except at very great sacrifices. Notwithstanding this, as all those who know the circumstances are aware—and there are many hon. gentlemen present in this House who know the circumstances—I struggled on to meet all my liabilities, and this one to the Bank of Upper Canada amongst the rest, honestly and faithfully. That indebtedness, hon. gentlemen, was incurred prior to my occupying a seat on the board, and not one shilling of accommodation or advance of any kind was ever asked for or obtained by me, either for myself or for any friend or connection of mine, from the time I became president in 1862, until the bank closed its doors in 1866.

I continued to make payments on this debt, and other liabilities, from time to time as I could raise money to do so. Even my allowance as president, small as it was, was paid in quarterly on the same account—I never touched a farthing of it, and so matters continued until the bank stopped payment, when my indebtedness at that time amounted to some $34,700. As hon. gentlemen are aware, certain trustees were appointed by the Government to wind up the affairs of the bank. Those trustees were the late Mr. Peleg Howland, Mr. Peter Patterson, and Mr. C. J. Campbell. I had continued making payments to them on my debt every three months, when those gentlemen applied for, and at their request were furnished with, a schedule of all my real estate, and a statement of my liabilities. After receiving this they proposed to me, through my agent, that I should make them an offer for a cash settlement. This I declined to do, stating that, if allowed, I would much prefer endeavoring to go on as I had been doing, and, if possible, in time work out the whole indebtedness. The trustees, however, were unanimous in preferring to close the account, and offered if I would pay a certain sum, $12,500 with interest in six months, to accept it in full discharge, and cancel my note, the debt then having been reduced to $25,000. With great difficulty, and at a very considerable sacrifice, I raised the specified amount and paid it in within the required time, on the 11th July, 1870, and I am now, in 1885, still working off, by the sale of my property, the last of the moneys raised upon it to meet this and other liabilities incurred in those disastrous years. This is a plain and simple history of the whole transaction as far as I am concerned in reference to the Bank of Upper Canada. Hon. gentlemen will readily understand, and I am sure will fully sympathise with me in the painful position in which I am placed in being obliged to bring these private matters before an assembly of this kind, but I think I have taken an honorable, manly and straightforward course in fully explaining my connection with the Bank of Upper Canada and stating exactly what the circumstances were.

Now, with reference to certain other statements which have fallen from the hon. member for Woodstock : he speaks of my having obtained my seat at the bank board by soliciting proxies from all classes of shareholders, and which I obtained for the purpose of procuring by my election as president of the bank an accommodation for myself and my friends. I do not wish to use anything but Parliamentary language —but I have no other choice than to designate that statement as wholly and entirely untrue. As I shall show presently that position was neither sought nor desired by me ; but let me first give the history of

the connection of that hon. gentleman himself with the Bank of Upper Canada. The fact of the matter is that the hon. gentleman became a director of the bank very nearly at the same time that I was placed on the board myself, and is in every respect just as responsible as I am for all that occurred in the bank from the year 1860 or 1861 down to the time the bank closed its doors. Soon after I was elected a director of the bank, not at my own suggestion nor by my own wish, I and others of my colleagues, finding that the affairs of the bank were in an unsatisfactory state, and being dissatisfied with the management, knowing that the hon. gentleman was a large shareholder and not then knowing him as well as I do now, I suggested to my colleagues that it would be a good thing if we could get a gentleman so largely interested in the welfare of the bank to take a seat on the board. After a good deal of persuasion they accepted my views. I went up to Woodstock; I had an interview with that hon. gentleman and obtained his acquiescence, and he may, therefore, be said to have been placed on the board, if not by me, at all events mainly at my instance and by my persuasion; that he was utterly useless there hon. gentleman will readily conceive. With regard to my appointment as president, the hon. gentleman knows very well indeed that that appointment was not sought by me but thrust upon me. It was the very last position I desired to fill, simply from the fact that I was indebted to the bank; however at a general meeting of all the shareholders, held, I think, in 1861, when a change was made in the management of the bank—the then cashier and president having resigned, there was a good deal of feeling elicited by the statement of the affairs of the bank then laid before the shareholders by the gentleman who was the newly appointed cashier, the late Mr. Robert Cassels. The report of the directors was received with great disfavor, and the meeting was at first not inclined to adopt it. Some of us who had only been on the board for a short time, and were in no way responsible for the management of previous years and its results, felt that this was unjust to us, and I got up and addressed the meeting, pointing out that there were those sitting there who were in no way responsible for the then position of the bank, but that as the report would shew we had been doing our best to remedy the existing state of things. The result was that the report was carried, and very much to my surprise I found myself elected president of the bank the next day. Now, the hon. gentleman knows perfectly well that so far from my desiring that position, I had been extremely anxious that a gentleman whose position in the country was well known, a very wealthy, honorable and upright man, and one who had probably the largest share in the bank, the late Mr. Thomas Street, should be elected president; and there are gentlemen in this House who know that I did everything in my power to induce that gentleman to allow himself to be elected, and that failing to obtain his consent, the next step I took was to endeavor to persuade a leading merchant in Toronto, whom I thought was a good representative man, to accept the same position. He also declined to accept it; and therefore, I again say that that position was in no way sought by me, nor was it ever used by me for the purpose—as insinuated by the hon. gentleman from Woodstock—of obtaining one shilling of accommodation either for myself or for my friends.

I do not desire to continue a discussion which is in every way, I am sure, most distasteful to this House, but I think it fair and right when a gentleman makes such a gross and malignant personal attack as the hon. member from Woodstock has made upon me, to point out to the House the animus which has prompted and the motives which have actuated him in the course which he has taken to-day. As I said before, that hon. gentleman was placed on the board of the Bank of Upper Canada, at my instance. He continued on the board with me until the very time the bank closed its doors. We met afterwards, as years passed on; not one word did I hear from the hon. gentleman, not a whisper or suggestion of the false and malicious statements which he has made to-day. We were, apparently, exceedingly good friends. When at Woodstock, I have been at his house, and not only that, but he did not disdain to allow his own family to accept the hospitality of my own roof. For eighteen years I had

not the most remote reason to suppose that the hon. gentleman entertained the slightest feeling of hostility towards me, until the extraordinary outbreak, which will be fresh in the memory of this House, which occurred in 1878, when he first thought proper, for some reason which I have never been able to divine, and which my hon. friends on the opposite side of the House have never been able to divine, to attack in the most unjustifiable manner the Honorable the Minister of Justice and myself, and he has been continuing to do this in the grossest and most malignant way, so far as regards myself, by repeated false statements which he never heretofore dared to make before my face, and by repeating those statements in the corridors of the House, in the hotels and by anonymous communications and letters to the newspapers, containing the most gross insinuations and slanders which he dared not put his own name to, until now the whole thing has culminated in the attack which he has made to-day. I think I may safely leave the matter in the hands of the House when I sum up the position in this way: that the hon. gentleman in the first place is just as responsible for what occurred in the Bank of Upper Canada the whole time I was president as I am, because he occupied a seat as director during all the time. In the second plaec, I think that the House will fairly estimate the patriotism at what it is worth of the hon. gentleman as to whether he cares one snap about this $1,100,000 which he says is due to the Government and the people of this country; or whether as in the other absurd motion which now stands on the notice paper he has simply sought an opportunity of giving pain and annoyance to one who had never injured him in any way whatever, by dragging this matter before the House and making the malignant personal attack upon me in the way he has done to-day. I do not think it is necessary for me to say anything more and I hope that hon. gentlemen will pardon me for trespassing on the time of the House in giving the explanations which I have been obliged to give to-day.

HON. SIR DAVID MACPHERSON —The charge which the hon. gentleman from Woodstock brings against me is a very grave one—at least it would be a very grave one if it had a tittle of foundation in fact. I can assure the House however that it has none. The whole of the story is the creation of his own brain. I have lived all but 50 years in this country. During nearly the whole of that time I have been engaged in conducting large and important business, and never until now has any insinuation been made against my honor. It is not in the power of any man to-day, I rejoice to say, to assert that in any of my many transactions I have ever attempted to do anything that was not strictly according to honor and according to the principles which should govern a British merchant. I never was indebted to the Bank of Upper Canada. By that I mean to say that I never owed one shilling that was over-due to the Bank of Upper Canada. My firm kept our account with that bank for years. We were sometimes borrowers but we were generally lenders—generally depositors with the bank. Our transactions, if they could be examined, would bear the strictest scrutiny. So much for the transactions of my firm. With respect to the Grand Trunk Railway, I never asked a favor for them from the Bank of Upper Canada or any other bank, and to say that during the short time I was a director of that bank I had used the influence which my position there gave me to increase the debt of the Grand Trunk Railway Company with that bank, or to increase any other debt owing to that bank is altogether unfounded—is absolutely untrue. The reason why I went upon the board of that bank I shall give to you in the words of another, not my own. I shall read a letter from the Hon. Sir Alex. Galt, who was Finance Minister at the time I was induced to accept a seat on the board of the Bank of Upper Canada.

St. Louis Hotel,
Quebec, 22nd October, 1883.

"My Dear Macpherson,—

I regret extremely to learn from your note of the 20th instant, that your consent to become a director of the old Bank of Upper Canada has caused you annoyance and misrepresentation.

The facts are that soon after my assumption of office in August, 1858, as Finance Minister, I became seriously uneasy at the condition of the bank, and after the Session —I think in June, 1859—I applied, with the concurrence of my colleagues, to the late Hon. John Ross and yourself to accept the position

of director, with the express understanding that you should exercise a strict supervision of the operations of the bank executive, which I am aware you did, and ultimately an improper extension of a loan, contrary to the directions of the board caused your resignation. With the transaction to which you refer, of a loan by the bank to the Grand Trunk Company of £100,000 you could not as a director have anything to do, as it must have occurred before your election; and your appointment and that of Mr. Ross were intended to prevent any further advances by the bank to that Company except with the previous knowledge and consent of the Government.

You are quite at liberty to make any use you may wish of this note, should you be exposed to any further animadversion in consequence of your connection with the Bank of Upper Canada."

Yours sincerely,

Signed,

A. T. GALT.

HON. D. L. MACPHERSON, &c.

That explains why I became a director of the bank. I was elected a director on the 25th June, 1859, and took my seat at the board for the first time on the 13th July of the same year, and I resigned on the 16th May, 1860. I was there only ten months, and my reason for resigning I shall also give to you in the words of another gentleman. You will remember, hon. gentlemen, that the events of which we are speaking occurred twenty-five years ago, and desiring to inform myself as thoroughly as I could, and to refresh my memory, I applied to those whom I thought were likely to be best informed. The managers of the bank, the president and cashier, have both died; all the executive officers, I believe, are dead, and I wrote to the solicitor, Mr. Clark Gamble, of Toronto, and asked him if he could give me any information on the subject. I did so in 1882, on the first occasion when the hon. gentleman ventured to utter a slanderous insinuation against me. I wrote to Mr. Gamble asking for information, and this is his reply:—

"Upon referring to the minute book of the Bank of Upper Canada, I find that you were elected a director upon the 25th June, 1859, and after acting at the board twenty-four times you resigned by letter on the 16th May, 1860. Both you and Mr. Ross (the late Hon. John Ross) were elected in the following June, but you do not appear to have taken your seat."

"With regard to your resignation, I recollect it being spoken of at the time, and the reason given was that the cashier had discounted a note of the Grand Trunk Company for $5,000 which had been refused by the board on the previous Wednesday, when you were present; and on the following Wednesday you saw what had been done, and called the attention of the board to the fact, and commented on it severely, and never took your seat again."

Now, hon. gentlemen, that was my course when a director of the Bank of Upper Canada. I have now told you why I accepted a seat on that board, and why I resigned, and the length of time I occupied a seat at the board. I may go on and say that soon after that, the bank getting into still deeper and deeper water, the board was re-constructed, and the hon. gentleman from Woodstock, who has made this furious and unwarranted and slanderous attack to-day, became one of the directors and remained one until 1866, when on the 18th of September of that year the bank closed its doors. It is impossible for me to say to what extent the hon. gentleman was responsible for bringing about the insolvency of the bank, for it was perfectly notorious that when he was travelling up and down the railway between Woodstock and Toronto, he did nothing but question people about the Bank of Upper Canada.

HON. MR. ALEXANDER—Hear! hear!

HON. SIR D. L. MACPHERSON—Whoever would listen to him he asked what they knew about it.

HON. MR. ALEXANDER—Hear! hear!

HON. SIR D. L. MACPHERSON—He was a member of that Board for about six years after I left it. Is it not strange, if I had been guilty of anything so improper as he states here to-day, that he took no steps to have me taken to account for it? How does he reconcile it with his duty, when at the time all the facts must have been patent, when the executive officers who must have been privy to them—who, in fact, were the parties who must have carried it out had there been any foundation for his statements—when they were all alive, that he did not bring up

this charge? After the management passed out of the hands of the directors it went into the hands of trustees, and was there for four years, until 1870 I think. Why did he not bring the matter before them then? Why did he wait for twenty-five years until everyone who knew anything at all about it is dead? It is quite evident to everyone who has heard him to-day that he knows nothing about it. He made one of the most extraordinary and extravagant—and I was going to say—infamous charges that it was possible for a man to make and yet he did not rest that charge on the slightest foundation of evidence.

Why did he not bring this matter before the shareholders? There were meetings of shareholders, one a private meeting, at which the report of the directors was submitted; a meeting at which the shareholders attended for the purpose of determining what course they would take at the official meeting. Before that meeting was held, a deputation waited on me and asked me to preside at the meeting, which I did. Is it likely, if there had been a suspicion against me, that the shareholders would have asked me to do that? Is it likely, if there had been the slightest foundation for this slander that it would not have leaked out before a period of 25 years had elapsed? It is a charge that no responsible man would dare to make unless he was shielded by the privilege of Parliament; and it is a most unworthy thing, as every hon. gentleman in this House will admit, for a member of the Senate to abuse his privilege as the hon. gentleman from Woodstock has done to-day.

I do not think I need say anything more in denial of the gross charge which he has made. The bill for £100,000 which he has referred to was a matter of public discussion for some years. I have been unable to ascertain when it was drawn, but from the best information I can get it was drawn in 1856 or 1857. The information I have obtained points to 1856—that is three years before I became a director—but it matters little when it was drawn, as I believe all the debts of the Grand Trunk Railway have been paid. I have taken a great deal of pains to ascertain when that bill was drawn but have failed. I enquired of the solicitor of the Bank of Upper Canada, and his reply was that the books of the bank for that period had been destroyed. They had been placed in a basement room on Church street, where the sewage came in upon them, and they became so offensive that they had to be destroyed. I wrote to the manager of the Grand Trunk Railway Company, and he was unable to give me any information. When Sir Alex. Galt was High Commissioner in 1882, I wrote to him in London, and requested him to enquire at the banking houses of Baring & Co., and Glyn, Mills & Co., to ascertain when it was, and I have a note which he sent me from an officer of that banking house, explaining why they could not give any information. Sir A. T. Galt, in enclosing the letter, writes:

"9 Victoria Chambers, London, S. W.
December 3rd, 1883.

My Dear Macpherson,

I have just received yours of the 19th ult. You will have learned by my note of Saturday that it has been found impossible to trace the bill of exchange in the books of either Glyn or Baring

Yours sincerely,
(Signed) A. T. Galt."

"Hon. D. L. Macpherson."

The following is the letter from the bank, which was enclosed in that from Sir A. T. Galt:

"67 Lombard St., London, E. C.,
28th November, 1883.

"Dear Sir Alexander,

I regret to say that we can throw no light upon the date of the bill for $100,000 to which you refer in your recent note. The fact is, although our ledgers are permanently preserved, they are in this case of no use, because a bill, acceptance of which was refused, would not appear in them; while the subsidiary books, in which such a bill would be recorded had been, for the period in question, destroyed. Nor can Barings, to whom I have applied, throw any light on the matter. In these circumstances I really do not see what we can do.

Believe me to be,
Faithfully yours,
(Signed) A. G. Harvey."

Sir A. Galt, G. C. M. G.

The hon. gentleman stated to-day, and stated it more emphatically a few days ago, that he was moved wholly by his public duty. He stated here two or three days ago, when he gave a notice, which I

shall not characterize, that he was not moved by malice—that he bore me no malice.

HON. MR. ALEXANDER—Hear ! hear !

HON. SIR DAVID MACPHERSON—Parliamentary etiquette requires me to accept that statement. Had he not made the statement I would have supposed that he bore for me the most intense malice. His conduct towards me during the last few years has been of so ferociously malignant a character—and so far as I know without any cause, as I have never given the hon. gentleman any cause for offence —that I cannot understand it. I have never done him any injury : on the contrary, he has always received from me the greatest possible kindness.

HON. MR. ALEXANDER—Hear ! hear !

HON. SIR DAVID MACPHERSON—We were in Parliament together before Confederation, and we were on, perhaps, rather more than the ordinary terms of intimacy.

HON. MR. ALEXANDER—Hear ! hear !

HON. SIR DAVID MACPHERSON—The hon. gentleman was, I may say, aggressive in his friendship. I bore with it complacently, and I confess I had a sort of liking for the hon. gentleman, and I felt a good deal of sympathy for him, and wherever it was possible for me to do him an act of kindness I did it.

At the time of Confederation, when the Senators were appointed, taken, as you all know they were, from the old Legislative Council so far as the Provinces of Ontario and Quebec were concerned, strange to say I first heard that it was the intention of the Government to offer me a Senatorship, from that hon. gentleman.

HON. MR. ALEXANDER—Question ! Question !

HON. SIR DAVID MACPHERSON—He was in the habit of visiting me very frequently—sometimes at my office, sometimes at my house—and asking me if I had heard who were to be appointed Senators ; that of course he and I were sure to be appointed, still he would like to know that the appointments were made. I never applied for a Senatorship, nor did I ask in any way directly or indirectly whether I was likely to be appointed, but I was walking one day in the street when I felt a hand placed upon my shoulder violently and nervously, I looked around and found it was the hon. gentleman from Woodstock, who said, " Oh, you are to be appointed, but I am not." It was the first intimation I had of it. I confess that I felt exceedingly sorry for the hon. gentleman, for he looked the picture of despair. I brought him to my office with me, and I tried to comfort and solace him as well as I could. I told the hon. gentleman that I was very sorry (and I was truly sorry), and I suggested to him that vacancies would soon occur. I asked him why should he not, as he was then, comparatively speaking, a young man, run for a seat in the Commons for one of the constituencies which formed his division for the Legislative Council !

HON. MR. ALEXANDER—And betray them to serve your government.

HON. SIR DAVID MACPHERSON—But the hon. gentleman was not willing to trust himself with the people. He speaks to-day of the people, for whom he professes to have a great love, and boasts of having their confidence, which is, I may say, a perfectly unfounded and ludicrous statement. Why, hon. gentlemen, there is not a constituency in Ontario ; there is not a constituency in this Dominion where are to be found two gentlemen who would seriously propose that the hon. member from Woodstock should represent their constituency ! I have no hesitation in saying that—unless they did it as a joke—unless they did it as a hoax, like his interview of the other day of which we have read a flaming account ! Why, hon. gentlemen, I am assured that for that interview questions and answers were written by himself ; that he got up a bogus interview at which he had the questions read to him, and he read the replies, and these were published broadcast over the country as being the opinions of a Conservative Senator of great experience !

HON. MR. ALEXANDER—Bring out the proofs.

HON. SIR DAVID MACPHERSON—I was stating the course I pursued towards the hon. gentleman when he was left out of the Senate. He then entreated me to use my influence with Sir John Macdonald to have him appointed on the occasion of the first vacancy. He said it was a most serious thing for him. I tried to make light of it; I told him that it was a matter of the utmost indifference to me if I had been left out; that I could either have retired from political life altogether or could have sought election to the Commons for one of the constituencies of my division. He said the effect on him would be different, that it would injure him politically, and that it would injure him socially, and would be altogether grievous to him and to his family. I promised him that I would use my influence with Sir John Macdonald to have him appointed, and I did so. I do not know whether it had any influence. I would like to believe that it had not, for after the manner in which the hon. gentleman has discredited my recommendation I would like to believe that it had no influence in sending him to this House. I feel hon. gentlemen that I ought, figuratively, to humble myself before this House in sackcloth and ashes for having been instrumental in any way in recommending one who has done so much to derogate from the dignity and position that this House ought to hold in the country, as that hon. gentleman has done. Why, only yesterday, in the street, I was asked by a member of the other House who lives at the same hotel as the hon. gentleman, "When is the Alexander circus coming on in your House? He is inviting every one to go, and promises them a great deal of fun." Now, hon. gentlemen, you have heard this hon. gentleman prate of the dignity of this House and the eminence of its members, and yet that is the manner in which he conducts himself, and degrades the Senate. Before he was called to the Senate he was constantly wanting something or other, and he importuned me to use what influence I might have possessed with my hon. friend at my right (Sir Alex. Campbell) who was then Postmaster General, to give him a postmastership. He represented it as being of great importance to him, and I did so. My hon. friend did not require any urging: he was well enough disposed towards the hon. member from Woodstock. He was as well disposed towards him as I was, and he gave him the postmastership, and I suppose the hon. gentleman retained it until he became a Senator. But not only did he seek my aid in public matters but he invoked my good offices to bring about a reconciliation between himself and members of his family living in England.

HON. MR. ALEXANDER—Oh! Oh! Oh! Disgraceful!

HON. SIR DAVID MACPHERSON—The hon. gentleman's ox is gored now!

HON. MR. ALEXANDER—The hon. gentleman is repeating private conversation.

HON. SIR DAVID MACPHERSON—The hon. gentleman asked me whether in any of my visits to England I had met a certain gentleman (I shall not name him unless the hon. member from Woodstock insists upon it), a certain gentleman who was a member of the London Stock Exchange. I said I had. He then told me he was a near relative of his, but that he had lost sight of the gentleman's family, of himself and his father and family; that they had been connected at one time with a house of great eminence in London, that that house had been overtaken by misfortune, and that its members had gone to reside in foreign countries—and, as I understood, countries with which England did not have extradition treaties; but as this gentleman, who was not so seriously compromised, had returned, and had established himself creditably in London, that he was inclined to believe it might be of advantage to himself (the hon. member from Woodstock) and to his family, to renew his intimacy with this gentleman; that he was prospering, and that he might be able to advance the interests of some of his children. The next time I went to England I did what the hon. gentleman asked me to do, and I told his English friend that the hon. gentleman was a Senator.

HON. MR. ALEXANDER—And a postmaster.

HON. SIR DAVID MACPHERSON —No, the hon. gentleman ceased to be a Postmaster when he became a Senator; but I said what I could in his behalf, and as the sequel has shown, much more than I ought to have said in his behalf. Whether the renewal of the intimacy resulted in the advantage to the hon. gentleman that he anticipated I do not know; I merely mention these facts to show that I have done nothing to provoke the attacks of unsurpassed malignity which he has hurled at me; that on the contrary, all my acts, whether in regard to public matters or private affairs, have been of the kindliest character, and I know of no cause for the course which he has pursued, and which, really, is not consistent, in my opinion, with that responsibility which men ought to recognize attaches to their words and acts. I will only say a few words more. The hon. gentleman now poses in this House as the representative of bankers and merchants. Could there be anything more absurd? Could there be anything more ridiculous? Of course, he does not tell me his private thoughts, but I am told that he is lamenting that it should devolve upon him to eject Sir John Macdonald from office but that he has a mission—

HON. MR. ALEXANDER–Hear! hear!

HON. SIR DAVID MACPHERSON —The hon. gentleman does not appear to understand the distinction there is between being laughed with and being laughed at! He now laments that Providence should have made it his mission—these, I understand, are his own words—to eject Sir John Macdonald from office, and to assume the reins of Government as Prime Minister of the Dominion of Canada!

Thanking the House for the patient hearing they have given me in what is so much a personal matter, and one that I need not tell you is exceedingly distasteful to me, I resume my seat.

HON. MR. ALEXANDER—I will not weary the House, because I do not think I am expected to reply to the special pleading of the present President of the Bible Society of Toronto, and which reminds me very much of his pitiable special pleading on the Irish resolutions. His special pleading to-day is just as pitiable—

HON. SIR ALEX. CAMPBELL—I rise to a point of order. The hon. gentleman has already spoken. This is not a substantive motion, but an enquiry, and having spoken once upon it, he has no right to speak again.

HON MR. ALEXANDER—I think the House will allow me to reply. The hon. gentleman has made very grave charges against me.

HON. MR. PLUMB—The charges are the other way.

The SPEAKER—A point of order has been raised. The hon. gentleman from Woodstock has already spoken, and there being no substantive motion before the House he is not entitled to make a second speech except by the consent of the House.

HON. MR. PLUMB—Before this matter closes I should like to understand thoroughly whether the debt of the Grand Trunk Railway Company to the Bank of Upper Canada has ever been settled. Although I do not couple my hon. friend with it at all, it would be desirable to know whether that debt, as has been claimed by the hon. member from Woodstock, was a loss to the public or whether the debt was paid. If my hon. friend the Minister of the Interior has the information, I should like to have a clear statement on that point.

HON. SIR DAVID MACPHERSON —What is the question?

HON. MR. PLUMB—I should like to know whether the charge made by the hon. member from Woodstock, that a debt of £100,000 due by the Grand Trunk Railway Company to the Bank of Upper Canada remains unpaid, or whether the debt of the Grand Trunk Railway Company was paid off?

HON. SIR ALEX. CAMPBELL—The Government having been concerned in

that question, I caused enquiries to be made in Toronto of a gentleman named Morton, who was one of the book-keepers of the Bank of Upper Canada at the time. A telegram was sent to make the enquiry, and this is the reply: "Morton has explained the whole circumstances in connection with the draft for £100,000, drawn by the Grand Trunk Railway through the Bank of Upper Canada. This bill, principal and interest, was paid, not by the Government, but by the Grand Trunk Railway themselves. Mr. Morton is prepared to substantiate this." There is no doubt therefore about the intention of the hon. gentleman in bringing this question up at this late day The hon. member for Niagara asks what position the matter stands in now as far as the Government is concerned. The Government took over all this property by a statute passed in 1870. At that time there were a great many debts due by the Bank of Upper Canada to private individuals. The Government advanced a considerable sum of money to pay those debts, and they were paid off. Since then the Government has realized from the assets of the bank $352,456. The assets of the bank, at this moment in existence, consist of a certain number of claims which are in suit, and the amount of which I understand from the proper officer, the Deputy Minister of Finance, is $12,000 to $14,000; there are other assets which are not in suit from which probably $30,000 will be realized, making altogether $44,000, and the Government will ultimately secure about $150,000 of their debt from the assets of the Bank. Their debt at the time the Bank failed was $1,150,000. Everyone has been paid but the Government. The Government was obliged to take over the assets, and trustees were appointed for a certain time. With reference to these trustees the Government, in a letter which I hold in my hand, expressed satisfaction with their conduct and the thoroughness with which they managed the assets of the bank for the time they were in office, two years. After that, proceedings were taken from time to time by the Minister of Finance with the result which I have mentioned, that $352,000 has been realized out of the assets, and about $40,000 or $50,000 remains to be realized, and that the Government will ultimately stand to lose the difference between those assets and $1,150,000.

SIR DAVID MACPHERSON'S PORTRAIT.

MOTION.

HON. MR. ALEXANDER moved:—

That in the opinion of this House this portrait of the Honorable David Lewis Macpherson, late Speaker of the Senate, be not allowed to remain in the Senate Corridor.

He said: It is assuredly a most disagreeable and painful duty, that any member should require to call attention to so insignificant a matter. It is most distasteful to me to discuss small matters. But we are commanded by the highest authority, to do everything decently and in order. In a well-ordered house one should see nothing which can be regarded as an infringement of good taste. I have been accustomed to regard life thus. If a man's noble, disinterested character during his life, and the services he has rendered to mankind are great, and such deserve to be remembered after death, the nation will erect a monument to commemorate them. It is scarcely seemly for an individual to pronounce his own eulogy.

This is virtually what that portrait does. You cannot find in the whole Dominion a man of proper instincts, who does not feel that the placing of such a portrait, of such dimensions, amidst the other portraits of all the distinguished men who have graced the Chair of this House, during the last fifty years, is a simple outrage upon common decency, and bears testimony to sad infirmity of character,—to the hon. gentleman's inordinate vanity.

Such Speakers as Sir John Beverly Robinson, a man of such exalted mind and acquirements as fitted him to grace the Bench in England, or even the Woolsack in the House of Lords; Chief Justice Sewell, of Quebec, an eminent jurist; Sir Etienne Taché, one of the framers of Confederation, and many other such eminent men, were all satisfied to conform to one uniform size of painting and frame. But this portrait, if it means anything, is designed to convey to posterity the impression that the Speaker inquestion was a more exalted character, and rendered greater services to the country than any one of

his predecessors. I can scarcely believe that the members of this House, who are so competent to judge what is seemly and proper, and in order, will not admonish their friend to substitute, at once, a proper and becoming portrait, uniform in regard to dimensions with those of all his illustrious predecessors. I perhaps under-estimate the hon. gentleman's character. It may be profitable to discuss that so far as the rules of the House permit us to do, under this motion. He is a man of large possessions and wealth. That is a great virtue in the estimation of some. He has been a most faithful partizan follower of the First Minister since 1872,—not before. I believe Sir John once said that the hon. gentleman tried to destroy him before that period. But since then he has done his master's work faithfully. I myself have reason to remember some of his handy-work. When he attained the object of his ambition, and became Speaker of this House, we all remember his memorable remark, that "we want no more speeches now to go to the country."

HON. SIR DAVID MACPHERSON—I never said anything of the kind.

HON. MR. ALEXANDER—I heard the hon. gentleman say so myself. I remember distinctly hearing him say in the corridor "we want no more speeches."

HON. SIR DAVID MACPHERSON—I repeat, I never said anything of the kind.

HON. MR. ALEXANDER—He and his illustrious colleague, Sir Alex. Campbell, steadily tried to stop the Official Reports of the Debates of the Senate, and the result of their combined labors and influence has been that they have succeeded pretty well in destroying the Senate in public estimation.

HON. SIR ALEX. CAMPBELL—I rise to a question of order; what the hon. gentleman says is perfectly untrue, and if I sit still under it I hope the House will understand that I do so because of the obvious excitement under which he labors.

THE SPEAKER—The House must be well aware that it is not for me to call an hon. gentleman to order, unless some member rises in his place and states a question of order. If the hon. gentleman insists upon the point of order being decided I will rule upon it.

HON. SIR ALEX. CAMPBELL—I think I must ask that the hon. member be not allowed to veil an attack upon me and state that I stopped the reporting of the Debates of the House, under a notice of motion about a portrait that hangs in the corridor. These two matters are as far apart as the two poles. The hon. gentleman cannot elucidate the important question he has brought before the House by any reference to the reporters, but I wish to state that the assertion he has made is untrue.

THE SPEAKER—Does the hon. gentleman wish me to rule upon the point of order?

HON. SIR ALEX. CAMPBELL—Yes.

THE SPEAKER—The point of order raised by the Minister of Justice is as to the relevancy of the hon. member's remarks. It certainly is not relevant for the hon. member to make the remarks complained of by the Minister of Justice on the motion which is now before the House.

HON. MR. ALEXANDER—I am sure everyone will recognize that if I have erred it is not from any want of respect for the House. They know the esteem in which I hold every member of this Chamber. I will only observe that the result of the labors of the hon. gentleman in reference to whom the motion is made, in conjunction with others, and the influences they have used, have completely destroyed this House in the estimation of the country. It is my painful duty to add that as far as I am concerned, the hon. gentleman has ever pursued a most partizan course towards me. The House will remember how his conduct in the chair once led me to transgress the rules and led to a regular scene in the Senate. Now the question will be asked: What are we to do with this work of art, which is well executed? The great magician of the age—the right hon. gentleman who has

recently had the Grand Cross of the Bath conferred upon him—has suggested one course, at a meeting of the Privy Council, which was to cut the painting in two, and put the handsome legs in another frame, and in this manner the size of the frames would be uniform with those of former Speakers. As a humble descendant of the Celtic race myself, I do think this would be very cruel treatment, to cut this great Celtic chieftain in two. I really could not vote for that. I would only make one suggestion—with all respect to the House—that this beautiful painting might be sent to the National Gallery in London, or the Pinacothek in Munich, the Ducal Gallery in Florence, the Vatican, or the Louvre. I have no doubt that as a work of art it would be much appreciated at any one of those; or that the hon. gentleman in his generosity might present it to our Academy of Arts established by His Excellency the late Governor-General.

THE SPEAKER—It is moved by the Hon. Mr. Alexander, seconded by whom? There is no rule of the House requiring a seconder, and therefore unless the hon. gentleman asks leave to withdraw the motion I shall put it.

HON. MR. ALEXANDER—No.

THE SPEAKER—It is moved by the Hon. Mr. Alexander:

That in the opinion of this House this portrait of the Hon. David Lewis Macpherson, late Speaker of the Senate, be not allowed to remain in the Senate Corridor.

HON. SIR ALEX. CAMPBELL—I think, under the circumstances, and considering the attack which the hon. gentleman has made, that it would be desirable to have the yeas and nays recorded, so that the hon. gentleman can see his position in this House. If nothing else will do it, perhaps it may have the effect of sobering him.

THE SPEAKER—Are the yeas and nays demanded by two members? (Yes, Yes).

HON. MR. ALEXANDER—Can the yeas and nays be taken on a motion which has no seconder?

THE SPEAKER—The motion can be put without a seconder and therefore the yeas and nays can be taken.

The House divided upon the motion, which was rejected by the following vote:

CONTENTS:

Hon. Mr. Alexander.

NON-CONTENTS:

Allan,	McDonald (C.B.),
Almon,	McKay,
Archibald,	McKindsey,
Armand,	McMaster,
Baillargeon,	McMillan,
Bellerose,	Macdonald (B.C.),
Benson,	MacInnes,
Bolduc,	(Burlington),
Botsford,	Miller (Speaker),
Boucherville, de,	Montgomery,
Campbell (Sir Alex.),	Nelson,
Chaffers,	Northwood,
Chapais,	Odell,
Clemow,	O'Donohoe,
DeBlois,	Ogilvie,
Dever,	Pelletier,
Dickey,	Plumb,
Ferguson,	Power,
Girard,	Robitaille,
Gowan,	Ryan,
Grant,	Schultz,
Guevremont,	Scott,
Hamilton,	Sullivan,
Haythorne,	Sutherland,
Howlan,	Trudel,
Kaulbach,	Vidal.—52.
Lacoste,	

HON. SIR DAVID MACPHERSON—I ask to be excused from voting.

BRITISH MEDICAL ACTS.

MOTION.

HON. MR. SULLIVAN moved:—

That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of all correspondence between the Federal and Ontario Governments and the Imperial Government, on the subject of the Imperial Act, 21-22 Victoria, Chapter 90, known as the British Medical Act, 1858; the Imperial Act, 31-32 Victoria, Chapter 29, known as the British Medical Amendment Act, 1868; the Imperial Act, 41-42 Victoria, Chapter 33, known as the Dentists' Act, 1878; and the amendments proposed to be made thereto, during the present session of the Imperial Parliament.

HON. SIR ALEX. CAMPBELL—The Government has no objection to the motion which my hon. friend has made, and I am glad that he has made it, for it will give him, and those who are associated with him in the medical profession, the opportunity of knowing that the views that they have put forward have been successful, and that the legislation which is likely to take place in the Imperial Parliament on this subject is such as the medical profession desire.

The motion was agreed to.

HYDROGRAPHIC SURVEYS OF LAKES IN THE NORTH-WEST.

ENQUIRY.

HON. MR. SCHULTZ enquired :

Whether it is the intention of the Government to proceed during the coming summer, with Hydrographic Surveys of Lakes Winnipeg, Manitoba, and Winnipegosis.

HON. SIR ALEX. CAMPBELL—A survey is going on at this moment at Lake Huron, and the only body of persons who are able to conduct such a survey are employed there. So soon as the survey there shall have made satisfactory progress, the Government will be able to consider the further survey which the hon. gentleman points to; but in the meantime nothing can be very well done, and certainly nothing has been done.

The Senate adjourned at 5:15 p.m.

THE SENATE.

Ottawa, Thursday, February 12th, 1885.

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings

CRIMINAL LAW AMENDMENT BILL.

FIRST READING.

HON. SIR ALEX. CAMPBELL—Last session, at the time the hon. gentleman from Halifax (Mr. Power) was in his place, a Bill which was then in his charge, relating to seduction and inveigling young women into disreputable houses, was discharged from the Orders of the Day. It stood upon the paper for the second reading, but on promising that with reference to one of these matters I would introduce a Bill during the present session, it was withdrawn. The one to which I refer was the inveigling of young women into improper houses. In pursuance of that promise, I beg to introduce Bill (F) "An Act further to amend an Act intituled 'An Act respecting offences against the person.'"

The Bill was read the first time.

HON. SIR ALEX. CAMPBELL moved that the Bill be read the second time on Monday next.

HON. MR. POWER—I would like to ask the Minister of Justice if he proposes to introduce this year a Bill to codify the criminal law which he spoke of last session? If I remember right he went so far as to say that he would have a draft of the proposed code prepared.

HON. SIR ALEX. CAMPBELL—I am not yet able to say absolutely whether we will or not. What we are proposing in consolidating the Statutes is to give the law as it stands. I suggested that probably during the present session we should submit to the House for consideration a Bill founded upon the criminal code which they have been endeavoring to introduce in England. Amendments in that code were necessary, and we have given some attention to them, as much as we could, amongst other measures. If we get sufficiently advanced with the Bill we intend to introduce it this session, not with a view of having it passed this year, but to have it distributed and read in order to take it up next session. I still propose to go on with that plan, not with the idea of proposing to pass such a code during the present session but with a view to going on as far as to present it to both Houses of Parliament towards the end of the session, and letting it go to the public during the vacation.

The motion was agreed to.

THE EVANS DIVORCE BILL.

FIRST READING.

HON. MR. GOWAN—The Committee on Standing Orders and Private Bills having reported that all the rules of the House have been complied with in connection with the petition of Alice Elvira Evans, I beg to introduce Bill (G) "An Act for the relief of Alice Elvira Evans."

The Bill was read the first time on a division.

The Senate adjourned at 3:30 p. m.

THE SENATE.

Ottawa, Friday, February, 13th, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

AN ADJOURNMENT.

HON. MR. BELLEROSE called the attention of the House to the fact that the Government, through the Minister of Justice, had intimated that it was not their intention to proceed with the Bill respecting real property in the North-West Territories on Monday; that at the request of certain hon. gentlemen, the consideration of the measure was to be postponed until the end of next week, to allow members an opportunity to become familiar with the details of it. That being the case, and there being no other important work before this Chamber, and Wednesday being a statutory holiday, he did not see why the House should not adjourn until Friday next. With the permission of hon. gentlemen, he would move the suspension of the 9th rule, and that when the House adjourns to-day it do stand adjourned until Friday the 20th inst., at 3 p.m.

The motion was agreed to.

THE PRINTING OF PARLIAMENT.

SECOND REPORT.

HON. MR. READ moved the adoption of the second report of the Joint Committee of both Houses on the Printing of Parliament.

HON. SIR ALEX. CAMPBELL—There is in the report a recommendation for the expenditure of money, and where a recommendation of that kind is found in a report, it is usual and necessary to allow it to stand until it shall first be adopted in the House of Commons. I therefore ask my hon. friend to allow this report to stand until that is done.

HON. MR. READ moved that the order of the day be discharged and that the report be taken into consideration on Friday next.

The motion was agreed to.

THE COX DIVORCE BILL.

REFERRED BACK TO COMMITTEE.

HON. MR. OGILVIE moved that the 72nd rule be suspended in so far as the same relates to the petition of George Branford Cox, as recommended in the 4th report of the Committee on Standing Orders and Private Bills. He said—When I spoke the other day about this Bill I said that the notice had received its full publication in the *Canada Gazette* and that it was simply short two weeks in the local paper. Now, the only fault to be found with it is that it was one week short in the local paper, and I do not think that there is anything in that which should lead the Senate to refuse to adopt the report.

HON. SIR ALEX. CAMPBELL—I am sorry to be unable to agree with my hon. friend from Montreal, who asks us to suspend the rule in this particular case. In reference to an ordinary Bill we suspend the rules very frequently in compliance with a recommendation of this kind in the report of the Committee on Standing Orders and Private Bills, but in these divorce cases we are, strictly speaking, a court, there being no other court competent to discharge that duty in any part of the Dominion, and we ought to follow strictly the rules which have been laid down. Naturally it occurs to my learned friend from Montreal, who is a layman

that six weeks' notice is just as good as seven, since the evidence establishes that the respondent has been served with the proper papers, and that therefore this irregularity is of no consequence ; but you cannot deal with a subject of this kind in that light way. If you can throw off one week why not two, and if two why not three, or four, or five, or the whole notice? The only safe course to take is to require that the rules of the House be rigidly observed. We do not know what dangers the party may have been exposed to, or what may have been the result of the failure to publish during that one week, and therefore as the parties themselves are to blame for this omission, and as they might have taken the necessary precaution, and it is by their own negligence and default that it occurred, it seems to me the House should be clear of all blame in the matter, and should see that their rules, which were laid down after deliberation, and for the express purpose of giving all parties full notice and warning and an opportunity of coming here, are strictly observed. We should take extreme care in granting these divorces. It is one of the most important decisions which can be given affecting the relations between man and wife, and that serious step should not be taken without the utmost precaution, and without seeing that every form is strictly complied with. I hope the day is long distant when there shall be any relaxation of the rules which protect persons in the state of matrimony, and that we shall never reach the condition of affairs which prevails in the United States, where, it has been remarked, in some States the railway trains stop ten minutes for divorces. Let us adhere to the rules which have been laid down for safety and which are necessary. I think in a case of this kind, where the notice is not complete or satisfactory, and where the indentification is not thorough, we should exercise extreme care. I have read those papers again, because I was anxious to facilitate my hon. friend in the matter if I could, and it does not appear to me that this notice, which was served on Mrs. Cox, is a true copy, or a copy at all of the notice which appeared in the *Gazette* ; neither would it be possible, I think, to prefer satisfactorily an accusation of perjury or false declaration against the person who makes the original declaration of service, because although I dare say he served it, his declaration is made before a notary public in the United States, which is not provided for in the Statute ; so the evidence of notice served on the parties is not satisfactory. That is an additional reason why we should strictly observe the rules of the House, which require full notice, and I think if we depart from them now we shall be establishing a dangerous precedent. Another session a member will have charge of a Bill and the notice may be two weeks short ; he will quote this case and say, in such a session where the notice was one week short it was held to be no serious violation of the rules, and in this case it was only two weeks short, and what is the difference? I hope my hon. friend will agree with the majority of the House, as I believe, in thinking that we should adhere to the rules.

Hon. Mr. KAULBACH—I fully agree with the Minister of Justice that we should not relax our rules in this case. If we do so now, we cannot say how far we shall go in this direction in the future. I cannot see how any injury can be done to the parties in this case, because there is ample time to apply to the Private Bills Committee again and get justice this session. I do not think this is a case in which the principle *de minimus non curat lex* applies. I do not look upon this omission as a trifle, and I believe that the rules of the House should be strictly adhered to and given full effect to.

Hon. Mr. OGILVIE—I should like to know whether this petition should be referred back to the Committee on Standing Orders and Private Bills, or whether I should move that the order of the day be discharged, and that it be brought up on Friday next, the 20th instant, when we meet again?

Hon. Sir ALEX. CAMPBELL—I think my hon. friend had better move that the order of the day be discharged, and this petition referred back to the Committee on Standing Orders and Private Bills for further consideration.

Hon. Mr. OGILVIE moved that the order be discharged and the petition referred back to the Committee

The motion was agreed to.

PETITIONS FOR PRIVATE BILLS.

TIME FOR RECEIVING EXTENDED.

HON. MR. DICKEY—I may be excused for reminding the House that the time for presenting petitions for Private Bills has been limited to the 19th inst., the day before we meet again. I observe in the House of Commons the time is limited to the 20th inst. It will be necessary to provide for this emergency by extending the time to the same day, or later.

HON. SIR ALEX. CAMPBELL—The time for receiving Private Bills has been enlarged to the 26th, and the time for receiving petitions might be extended to the same day.

THE SPEAKER—You cannot make a motion of that kind, except on a recommendation from the Private Bills Committee, without a suspension of the 18th rule.

HON. SIR ALEX. CAMPBELL—Why should we suspend the rule since in the House of Commons they have given notice that they will not extend the time beyond the 20th? Why should persons who wish to present petitions for Private Bills, and who have not done so, be given any further extension of time?

HON. MR. DICKEY—Why should parties who come here for justice be deprived of an opportunity of presenting petitions because this House chooses to adjourn for a week?

HON. SIR ALEX. CAMPBELL moved that the 18th rule be suspended, and that the time for receiving petitions for Private Bills be extended to the 26th inst.

The motion was agreed to.

SESSIONS OF COMMITTEES DURING ADJOURNMENT.

ENQUIRY.

HON. MR. HAYTHORNE—Respecting the sessions of Joint Committees, it seems to me that some inconvenience may be caused, unless the Printing Committee, for example, can sit during the adjournment, because at this period of the session documents are accumulating very fast, and there should be no delay in having them dealt with.

HON. SIR ALEX. CAMPBELL—They do not need to obtain leave from the House to meet.

THE SPEAKER—The Committees of this House can meet during the adjournment.

The Senate adjourned at 4 p.m.

THE SENATE.

Ottawa, Friday, February 20th, 1885.

The SPEAKER took the Chair at Three o'clock p. m.

Prayers and routine proceedings.

THE SMITH DIVORCE BILL.

SECOND READING.

The order of the day having been read for the

Second Reading of Bill (B) for the relief of Charles Smith, and the Petitioner do attend at the Bar and be heard by Counsel,

THE SPEAKER said: I have received from the Clerk of the House a telegram which I desire to read to the Senate. It is as follows:

"WOODVILLE JUNCTION,
"Feby. 19th, 1885.

EDWARD J. LANGEVIN,
Clerk of the Senate.

"Have only to-day received copy of Bill "for the relief of Charles Smith. Want the "hearing adjourned for one week. I will "appear in person or by counsel then.

"MAHALA MORILDA SEUFELL."

The name is not properly signed, but I presume this telegram is from the respondent in this case. I do not suppose it will affect the second reading of the Bill to-day.

HON. SIR ALEX. CAMPBELL—Where is Woodville Junction?

Mr. SPEAKER—I do not know; somewhere in Ontario, I believe.

HON. MR. READ—I beg to hand in the certificate of the Clerk of the Senate with respect to this Bill, and ask that it be read at the table.

The certificate was read by the Clerk at the table, and is as follows:

"I, Edward Joseph Langevin, Clerk of the Senate of Canada, hereby certify—Notice of the day fixed by the order of the Senate, made on Thursday the 5th day of February, 1885, for the second reading of the Bill intituled 'An Act for the relief of Charles Smith,' pursuant to the Standing Order of the Senate in that behalf was affixed on the doors of the Senate throughout a period of fourteen days after the date of the first reading of the said Bill and between the said 5th day of February, A.D., 1885, and the 14th day of February, 1885.

Given under my hand, at the Senate Chamber, in the City of Ottawa, in the Province of Ontario, in the Dominion of Canada, this 20th day of February, in the year of Our Lord 1885.

Signed,

E. J. LANGEVIN,

Clerk of the Senate.

HON. MR. READ—I beg to notify the House that a witness is in attendance at the Senate ready to be examined as to the service of the notice and of the Bill, and I now move that he be heard at the Bar of the House.

The motion was agreed to.

MR. SPEAKER ordered that the witness do appear below the Bar of the House.

The witness having appeared at the Bar, was sworn.

HON. MR. READ—I beg to ask the witness the following questions:—What is your name, place of residence, and occupation?

HON. SIR ALEX. CAMPBELL—The proper mode of proceeding is that the hon. gentleman should ask the permission of the House to put the question.

MR. SPEAKER—The regular way is that the hon. gentleman in charge of the Bill should make a motion that such a question be put to the witness, and if the House agrees to it then the question will be read by the Clerk.

HON. MR. READ—I beg leave to move for permission of the House that the following questions be put to the witness:—"What is your name, place of residence and occupation."

The motion was agreed to.

THE CLERK having read the question at the table,

THE WITNESS replied: "Charles S. Gillespie, of the Village of Campbellford, County of Northumberland, hardware merchant."

HON. MR. READ—I beg leave to move that the following question be put to the witness—"Look at the paper writing now shown to you marked A, being an Act for the relief of Charles Smith, and on the paper writing now shown to you marked exhibit B, being the Order of the Senate on Thursday, 5th February, 1885, both writings being certified by the Clerk of the Senate: did you serve copies of both writings with the certificates of the Clerk of the Senate thereon upon Mahala Avilda Smith, and at what date and at what place?"

HON. SIR ALEX. CAMPBELL—In a Court of law the question would be objected to at once as being a leading question: the question should be—"Did you serve this paper and if so upon whom?"

HON. MR. READ—I followed exactly the proceedings as they appear in the Campbell case.

HON. SIR ALEX. CAMPBELL—The House will see that it is important because it may be that the witness supposes that he served the notice upon this particular woman, and this question being put in this leading way he replies at once "Yes": whereas the question being put to him properly he might say to himself "I do not know whether it was this woman I served or not"; and therefore, from that point of view, it should be asked in the way it would be put in a court of law, and in courts they know by long experience the advantage of a question being put properly, and that leading questions are not proper, and that they do lead to perversions of the truth.

HON. MR POWER—I would call the attention of the Minister of Justice to one circumstance in connection with this matter that does not exist in *viva voce* examinations in court. In this case both questions and answers are put in writing, and the witness has had time to consider them before coming to the Bar of the House, and therefore the objection of the hon. gentleman is not quite as strong as it would appear at first sight.

THE WITNESS—I served copies of the writings now shown to me marked A and B respectively, with the certificates thereon of the Clerk of the Senate upon the said Mahala Alvira Smith, on Tuesday the 17th February instant, at the residence of Charles Parkin, in the Township of Lambton, County of Victoria, Province of Ontario. I have known her for twenty years past.

HON. MR. PLUMB—I desire to call the attention of the Senate to the fact that the name of the respondent is not given correctly in any of the papers. In one it is called Mahilda. In another case it is called Mavilda, and the real name is Mahala Mavilda.

HON. MR. READ—I beg to move that the following question be put to the witness:—

"State the particular mode in which you effected such service of the writings A and B respectively on Mahala Avilda Smith."

The motion was agreed to.

THE WITNESS—I served the said copies of the said writings A and B on Mahala Mavilda Smith personally by handing the same to her, and stating at the same time that the paper writings A and B were served on her that she might oppose the Divorce if she wished, and to let her know the matter was before the Senate.

HON. MR. READ—I move that the following question be put to the witness:—

"Is the person Mahala Avilda Smith, upon whom you served copies of the writings marked A and B respectively, Mahala Mavilda, the wife of Charles Smith, of the Village of Campbellford, County of Northumberland, Province of Ontario, miller, formerly Mahala Avilda Zufelt."

The motion was agreed to.

THE WITNESS—The person, Mahala Mavilda Smith, upon whom I served copies of the writings marked A and B respectively, is Mahala Mavilda, the wife of Charles Smith, of the Village of Campbellford, County of Northumberland, in the Province of Ontario, miller, formerly Mahala Mavilda Zufelt, from whom the said Charles Smith petitions for divorce.

HON. MR. READ—I move that the witness be now permitted to withdraw.

The motion was agreed to.

HON. MR. READ—I beg to move that the examination of the petitioner in this matter at the Bar of the Senate, as well generally with regard to any collusion or connivance between the parties, be for the present dispensed with, but that it be an instruction to any committee to whom the Bill upon the subject may be referred, to make such examination.

HON. MR. DICKEY—The collusion or connivance spoken of in the rule is collusion or connivance to obtain a separation, which is not mentioned in this motion.

HON. SIR ALEX. CAMPBELL—It was distinctly understood in these proceedings that it should appear in the resolution, or be stated by the hon. member in charge of the Bill, from his place that the petitioner was present and ready to be examined at the bar, and that fact was taken down in the minutes; and that, I think, ought to precede this motion. If the hon. gentleman will either state in his place, or put it in the resolution, that the petitioner is at the Bar of the Senate ready to be examined, it will be sufficient. It also should appear that he is ready to be examined in the way pointed out by the hon. gentleman from Amherst, that is, with reference to collusion for the purpose of obtaining a separation; the petitioner is to appear before the Bar of the Senate at the second reading of the Bill,

to be examined by the Senate generally, or as to any collusion or connivance between the parties to obtain a separation. Now, this motion only says that the petitioner is to appear at the Bar of the Senate to be examined by the Senate generally, or as to any collusion or connivance, leaving out the words "to obtain such separation." It certainly ought to be stated he is at the Bar of the Senate ready to be examined.

HON. MR. READ—The petitioner is at the Bar of the Senate, ready to be examined.

HON. SIR ALEX. CAMPBELL—If the hon. gentleman will allow me we will have the motion amended at the table. I would take this opportunity of saying, with reference to the remark made by the hon. gentleman from Niagara (Mr. Plumb), on looking at the papers I find that although the name of the respondent has been mis-pronounced sometimes by the Clerk and the hon. gentleman, that they all relate specifically to the same person whose name is given in the papers and in the Bill as Mahala Mevilda Zufelt.

The motion was agreed to on a division.

HON. MR. READ—I beg to move that Bill (B), "An act for the relief of Charles Smith," be now read the second time.

The motion was agreed to on a division.

HON. MR. READ moved

That the said Bill be referred to a Select Committee, composed of Hon. Messrs. Wark, Vidal, MacInnes, (B. C.), Gowan, Clemow, McKindsey and the mover, to report thereon with all convenient speed, with power to send for papers, persons and records, and examine witnesses on oath; and that the exemplification of the proceedings to final judgment in the High Court of Justice, Ontario, Common Pleas Division, in the case of Charles Smith vs. Charles Parkin, and the further proceedings presented to the Senate on the reading of the petition of the said Charles Smith, be referred to the said Committee, and that all persons summoned to appear before the Senate in this matter appear before said Committee, and that the said Committee have leave to sit on Saturdays and other non-sitting days.

HON. MR. WARK—I beg to have my name omitted from the resolution. I think that any Senator who has passed his 80th year should be exempt from such duty.

HON. MR. ALMON—It is a very unfair thing that persons asked to serve on the committee should be appointed by the member who has charge of the Bill. Of course he is to a certain extent interested in the case of his client, and that he should choose the jury is manifestly unfair. I do not object to the *personnel* of this committee, still I think the principle is bad. The committee should be chosen, not by the party in charge of the Bill, but by the Speaker of the Senate. I am perfectly aware that the finding of the committee is not final; still if a prejudiced committee were appointed they might ask some questions that were improper, and omit to ask others that should be asked, and in that way submit to the House an unfair view of the case. I do not think there is any danger of it being done in this case, but I think it would be very much better if the precedent should be established, that such committees should be appointed by the Speaker.

HON. MR. KAULBACH—I do not agree with my hon. friend that because a member introduces a Bill he is thereby in any way biased in the selection of a committee. I should not think so. Neither do I think that a member would feel himself in any case so biased. As regards the *personnel* of the committee I think it is a very good selection, and I only rise to say that I do no think that a member being appointed to a committee would feel that he had any personal interest in it, or that he would take an extreme view of the matter.

HON. MR. READ—I may state that I conferred with the Minister of Justice as to the selection of this committee, and it may be called his committee and not mine.

HON. MR. POWER—That of course removes any objection that my hon. colleague might have, but I rise for the purpose of saying that my colleague from Halifax was quite justified in making the statement he did, because in the last case, I think, that we had before the

Senate—that is the Nicholson case—with a view of obviating the danger of any partiality on the part of the committee it was appointed by his Honor the Speaker. That I think was the case in the Nicholson matter.

Hon. Mr. KAULBACH—Not appointed by him, but merely referred to him, but I think in the present case the Speaker should be relieved from such a duty.

Hon. Sir ALEX. CAMPBELL—I thought the understanding of the House was that the gentleman in charge of the Bill should confer with the Speaker, but on mentioning the matter to His Honor with reference to another Bill he informed me that he thought not—that the understanding of the House was that the gentleman in charge of the Bill should confer with the Minister of Justice, and therefore my hon. friend came to me and we settled upon this committee.

Hon. Mr. POWER—I merely rose to remark that my hon. colleague was justified in what he said.

Hon. Sir ALEX. CAMPBELL—I hope my hon. friend from New Brunswick will not persist in his objection to serve on the committee. Although he has attained the age which he mentions, yet he is young in vigor, and there are so many of these cases coming before the House that I am afraid he and I and other old men will have to serve. I hope my hon. friend will consent to act.

Hon. Mr. BOTSFORD—With respect to the reference which has been made to a member having charge of a Bill of this kind nominating a committee, I recollect distinctly that there was a discussion about it on a former occasion, and I suggested, to overcome an objection made by the hon. member from Halifax, that the Speaker was the proper person who should nominate the committee, but of course the Minister of Justice is quite competent to perform the duty.

Hon. Sir ALEX. CAMPBELL—I should be happy to give it up.

Hon. Mr. BOTSFORD—I made the suggestion myself in consequence of an objection which had been made by some parties that the member in charge of the Bill should not have the selection of the Committee.

The SPEAKER—I am sorry that my recollection of the circumstances attending the occasion to which the hon. gentlemen have alluded is not in harmony with that of the hon. gentleman who has just resumed his seat. I think I myself was the member who brought the subject to the notice of the House some years ago and after some considerable discussion, if my memory serves me right, it was the unanimous wish of the Senate that the leader of the House, who happens to be the Minister of Justice, should advise with the mover for the committee, and that the committee should have his approbation; that is my recollection. Under any circumstances the House would hardly expect me, knowing my views on the question, to nominate a committee; but apart from that my recollection is very distinct and I think it was the decision of the House that the Minister of Justice should nominate the committee and watch the proceedings all through.

Hon. Mr. DICKEY—It must be admitted that there could be no fairer mode of choosing a committee than that which has been adopted in this case, and had the junior member for Halifax been aware of the facts he would have been, probably, content with merely suggesting that in future cases nomination should not take place by the member having charge of the Bill. It was a fair position for him to assume, and in fact he expressly stated that he took no exception to the gentlemen who were appointed in this instance. Therefore there is really nothing to prevent the House from acceding to the motion.

Hon. Mr. ALMON—If I had known that the Minister of Justice had been consulted in this case I would not have raised the objection: but suppose we had not the good fortune to have the Minister of Justice in this House what would be done?

Hon. Mr. READ—The leader of the House could nominate the committee.

Hon. Sir ALEX. CAMPBELL—We could make some other provision. There

is one thing omitted in the motion to which I wish to draw attention. I hardly think myself that it is necessary, but I am not able to say positively, and therefore I think the hon. gentleman should follow precedent. In a case which is before me, which came up in 1884, of one Graham, the words "and examine witnesses on oath" appeared. Those words are omitted in this motion. I believe the Committee does not get the power to examine the witnesses by any delegation by this House, but by virtue of an Imperial Act of Parliament. I am not quite positive about that, but I believe so, and perhaps the words are not necessary, but it is very often dangerous to depart from the regular form.

HON. MR. DICKEY—The 78th rule provides that the committee shall have power to examine witnesses under oath. The rules mention it distinctly; so I suppose my hon. friend did not think it necessary to incorporate these words in his motion.

HON. MR. READ—In 1884 I had those words included, but when it came up it was found that the committee had authority to examine witnesses under oath without it.

HON. MR. POWER—It is better to insert the words; they cannot do any harm.

HON. MR. PLUMB—The rule says that "witnesses are heard on oath." It may be necessary that the authorization should be made by motion in the House.

THE SPEAKER—My own opinion is that it would be better to adhere to the form, and state "examine witnesses on oath."

The motion was amended accordingly and agreed to on a division.

THE DAVIS DIVORCE BILL.

SECOND READING POSTPONED.

HON. MR. OGILVIE presented the cartificate of the Clerk of the Senate that notice in the Davis Divorce Case had been affixed at the door of the Senate for 14 days, as required by the rules of the House. He moved that Max Fischacher, of Boston, Mass., be examined at the Bar of the House.

The motion was agreed to, and the witness was sworn and examined at the Bar as follows:—

Q. What is your name, place of residence, and occupation?

A. Max Fischacher, of the City of Boston, in the State of Massachusetts, one of the United States of America, Counseller at Law.

Q. Look on the paper writing now shown to you, marked "A," being an Act for the relief of Amanda Esther Davis, and on the paper writing now shown to you, marked "B," being an order of the Senate on Thursday, the 5th February, 1885, both writings being certified by the Clerk of the Senate. Did you serve copies of these writings with the certificates thereon of the Clerk of the Senate upon Joseph DeSola, and on what day and date and at what place?

A. I served copies of the writings now shown to me, marked "A" and "B" respectively, with the certificates thereon respectively, of the Clerk of the Senate, upon the said Joseph DeSola, whom I have known for several years, upon Friday, 13th day of February, instant, at his lodging house in the City of Boston, in the State of Massachusetts, and which is known as number two, Rollins Street, in said City.

Q. State the particular mode in which you effected such service of the writings "A" and "B" respectively, on Joseph DeSola?

A. I served the said copies of the said writings "A" and "B" on the said Joseph DeSola, personally, by handing the same to him, and I informed him that as I had caused the Notice of Application to the Parliament of Canada, on the part of his wife, for a Bill of divorce to be served upon him, and as I knew him personally, these papers were sent to me with the request that I should serve him with same. I explained the character and purport of the documents to him and he understood the same.

Q. Is the person, Joseph DeSola, upon whom you served copies of the writings marked "A" and "B," respectively, Joseph DeSola, the husband of Amanda Esther Davis, of the City of Montreal, in the Province of Quebec, and the person from whom the petitioner herein is seeking divorce?

A. The person, Joseph DeSola, upon whom I served copies of the writings marked "A" and "B," respectively, is Joseph DeSola, the husband of Amanda Esther Davis, the petitioner in this matter.

The said Max Fischacher was directed to withdraw.

HON. MR. OGILVIE moved:—

That the examination of the petitioner in this matter at the Bar of the Senate as well

generally as in regard to any collusion or connivance between the parties, be for the present dispensed with, but that it be an instruction to any committee whom the Bill be referred on the subject to make such examination.

HON. MR. KAULBACH—This motion is open to the same objection as the one in the last case: the words "for the purpose of obtaining a separation" should be inserted after "parties."

HON. SIR ALEX. CAMPBELL—And also it should be stated that the petitioner is at the Bar of this House. Perhaps my hon. friend can say whether the petitioner is at the Bar of this House ready to be examined.

HON. MR. OGILVIE—As you see by the Bill, the petitioner is a lady. She is not here, but she will appear at any time that the House may name to be examined.

HON. SIR ALEX. CAMPBELL—I do not think we should proceed further unless the hon. gentleman moves that her presence at the Bar be dispensed with, and the House is pleased to assent to her being excused, because the rule is distinct, "the petitioner is to appear below the Bar of the Senate at the second reading to be examined by the Senate," and my hon. friend should have given notice that he would ask the House to dispense with the rule on this occasion. I can see no harm in my hon. friend moving that the rule be dispensed with, and then he may make out such a case as he can, to get the House to agree that the presence of this petitioner at the Bar be not required. I must say, however, that I think it would be establishing a bad precedent. I have never known this rule to be dispensed with in any case before; perhaps my hon. friend should postpone the second reading of the Bill until Monday or Tuesday, when the petitioner could be at the Bar ready to be examined.

HON. MR. KAULBACH—The motion before the House might be allowed to stand.

HON. MR. OGILVIE moved that the motion be allowed to stand over until Tuesday, and that the Bill be then read the second time.

HON. MR. KAULBACH—The motion before the House is the reference, and that motion should be amended so as to include the words "between the parties to obtain such separation," in the same manner as the motion in the preceding case.

HON. SIR ALEX. CAMPBELL—Perhaps the best way would be for my hon. friend instead of moving this to say that on Tuesday he will move that the examination of the petitioner be dispensed with.

HON. MR. OGILVIE—Very well, I will move on Tuesday next that the examination of the witness be dispensed with.

HON. MR. POWER—My hon. friend will have to give notice that the second reading is postponed. It seems to me that one motion would do the whole. If my hon. friend will move that the further proceedings in connection with this petition and the second reading of the Bill be adjourned until Tuesday, the whole ground will be covered.

HON. SIR ALEX. CAMPBELL—We have got so far in this direction that I think it will answer all the purposes—my hon. friend should move that the order of the day be discharged and that the Bill be read the second time on Tuesday.

The motion was agreed to and the second reading of the Bill was accordingly postponed until Tuesday next.

OFFENCES AGAINST THE PERSON BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (F) "An Act further to amend an Act intituled 'An Act respecting offences against the person.'" He said: this is a Bill introduced for the purpose of giving effect to an understanding which was arrived at in this House last session that I would during the present session introduce a Bill on this subject; my hon. friend from Halifax having charge of a Bill on the subject at

the moment, agreed to withdraw it on that understanding. The Bill which I now present to the House deals simply with the inveigling of young women into bad houses for illicit purposes. I think perhaps when it comes before the Committee of the Whole, that I will propose an amendment for the purpose of making it still more distinct than it is, an amendment which I have ready, and which I think the committee when I propose it, will be willing to adopt. In the meantime I move that the Bill be read the second time.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned 5 o'clock.

THE SENATE.

Ottawa, Monday, February 23rd, 1885.

The SPEAKER took the Chair at Three o'clock p.m.

Prayers and routine proceedings.

THE BANK OF UPPER CANADA.

MOTION.

HON. MR. ALEXANDER—moved :—

That a Committee be appointed to enquire into and report, from time to time, to the House, the value of the remaining Assets of the Bank of Upper Canada still uncollected, with particulars of the settlement with debtors of the bank, since its failure; also the balance now due by the bank to the country, with power to send for persons, papers and records, the said Committee to consist of Messieurs :

He said :—

Before proceeding to show the House that the public interests loudly demand that this committee should be granted, may I be permitted to ask, hon. gentlemen, what would be your thoughts and feelings if, through a foul conspiracy of men in high position, you had sustained pecuniary losses which had brought an affectionate wife prematurely to her grave, and deprived your children of the kindest and best of mothers,—I ask, what would be your feelings if two men that you know of your own knowledge, to be the chief members of that conspiracy, had the heartlessness and the daring to charge you with slander and malignity, when in discharge of your duty, you endeavored in the interests of the country to bring them into court?

Such are the weapons of defence usually had recourse to by men charged with crime. It is dreadful to think that two members of this House, who are at the top of Canadian society, could be so skilled in such arts and practices, and that they should be so hardened in their dark ways, and have the shameless audacity to make statements on the floor of this House which, if the rules of Parliament permitted, can only be pronounced to be simply untrue and false, thinking, poor men, that they can thus throw off the charge brought against them. Before I sit down, I think that I shall have no difficulty in satisfying every member of the House as to the falsity of their statements.

The public interests demand that the House grant me this committee, and if it do so, I have no hesitation in saying that I possess evidence which will enable the country to recover a very large part of the $1,100,000 due by that old insolvent bank.

Two members of this House, the Hon. Sir D. L. Macpherson, and the Hon. George W. Allan, who have had most grave and serious charges preferred against them, in connection with this matter, openly deny the truth of the statements I made here upon a previous occasion. If they are innocent, they must be anxious to see a committee appointed, that they may have an opportunity of refuting such charges and establishing their innocence. If they are not the first to call for the yeas and nays—if they do not vote for a committee, every member of the House must feel that before God and man they must be guilty. On the 10th February, those two hon. gentlemen adopted the tactics of their illustrious chieftain, who, in another quarter, in reference to another matter, exclaimed, "these hands are clean." Now that conservative chieftain has never been accused of the debasing act of wrongfully taking any of the public money for his own personal wants. If this committee is granted, I shall have no difficulty in proving that the Hon. George W. Allan has most wrongfully evaded the payment

of a large amount of money—many thousands of dollars—due by him to the people of this country. I shall have no difficulty in shewing that such evasion was accomplished through the action of the trustees appointed by the Government, one of whom was Mr. C. J. Campbell, brother of the present Minister of Justice. I will not trangress the rules of the House by reminding it of another questionable transaction, which once came up here for discussion. And I further desire to have an opportunity, by the appointment of such a committee, to shew that the solemn statements made on the floor of this House by the present Minister of Justice, namely, that both principal and interest of those two sterling drafts of £100,000, amounting to nearly one million dollars, had been paid to the bank. I ask the hon. getleman if he made that statement?

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. ALEXANDER—I say that such a statement is an erroneous one, and calculated to mislead the House and the country. It was that overwhelming loss which chiefly led to the closing of the bank doors. The Grand Trunk Railway at that period 1861-2 was in great financial difficulties. Its plant and stock and everything had been mortgaged. The bank effected a settlement with that embarrassed Railway Company, taking all they could get, namely certain postal bonds, producing only an annual revenue of about $8,000. The House can easily calculate what such a security capitalized would be, and any child at a common school can see that the shareholders of that bank, lost by those two sterling drafts about $800,000.

HON. SIR ALEX. CAMPBELL—The hon. gentleman the other day spoke of only one sterling draft £100,000. I never heard of more than one.

HON. MR. ALEXANDER—It is well known that the amount was nearly $1,000,000, the proceeds of two distinct drafts of £100,000 each.

HON. SIR ALEX. CAMPBELL—I never heard of more than one draft.

HON. MR. ALEXANDER—There were two, amounting to nearly $1,000,000. I speak from my own knowledge as a member of that bank board. If the Grand Trunk Railway, at a subsequent period after the bank doors were closed paid this colossal amount, the shareholders of that unfortunate bank received no benefit therefrom, and never knew anything of it. We had no further legal claim on the Grand Trunk Railway. We had during 1861-2 effected the settlement in the manner described.

Now, it is very distasteful to me that I should have to ask permission to shew the untruthfulness of the greater part of the statements of a personal character, so unworthily dragged into the debate, by both parties accused. I will endeavour to be as brief as possible.

First, I never discovered that the Hon. Sir D. L. Macpherson had been a member of that bank board until a great many years afterwards. He had covered his track so carefully. I myself, through Mr. Galt, then Minister of Finance, had the late lamented and respected Mr. Ridout relieved of his high position as cashier, charging him as the guilty party in regard to those two sterling drafts; and I was astonished to learn one day in Toronto, some 15 years afterwards, from a prominent citizen who was in the board of 1859, that the said David Lewis Macpherson was the guilty party. From that period I accepted no hospitalities at Chestnut Park. He knows that I refused by telegram from Woodstock to do so. I am not going to annoy the House by discussing further such matters. As regarding the private letter of Sir Alexander Galt, that gentleman will scarcely approve of it being introduced here, when we remember that he was one of the contracting company, who benefitted by the foul transaction, causing the bank such a loss. The whole statement of the hon. gentleman, from beginning to end, I can only characterize as one tissue of distorted facts, bearing painful testimony to a depraved mind. Who ever charged him with overdrawing his account? But we charge him with a most heartless and most wicked act. Does the hon. gentleman remember his legal adviser telling him in 1860 that he had better leave the board at once, or he might be indicted?

HON. SIR DAVID MACPHERSON—No.

HON. MR. ALEXANDER—And now it devolves upon me to make one or two comments upon the carefully prepared statement of the Hon. George W. Allan, which, perhaps, he thinks in the holy simplicity of his heart, to be a conscientious statement. He has not displayed his usual adroitness by confessing, as the other hon. gentleman has also done, that the books of the bank, which were in the possession of his cousin, Mr. Clarke Gamble, had been destroyed. They had been placed in a basement room on Church St., when the sewage came in upon them and they became so offensive that they had to be destroyed. What a confession of the means had recourse to, to hide and conceal the dark deeds of certain men, living at the top of society! They dare not burn the books, or they would have been arraigned on a criminal charge; but they place them in a dirty cellar until they become offensive, so that they must destroy them. They thus think that proof cannot be produced as to the debts of certain parties, and as to the frauds perpetrated upon the people of this country, by the improper compromise of debts owing them, by men living in such mansions as Moss Park. In conclusion, what shall I say of this carefully prepared statement, of a gentleman who carries upon all occasions the mantle of religion on his shoulders? I cannot say that in the whole of my life of three score and ten years that I ever heard a tissue of allegations, so much at variance with truth. Does he pretend to forget that from the moment he became president of that bank, it was one continuous struggle on my part, to eject him and two members of the board, who always acted in the interests of the debtors, and in the interests of those who where thrusting upon us bad mortgages? Does he pretend to forget that along with his wealthy colleague on the board, to whom he referred in his speech, both combining together, threw me out of the board, somewhere about 1863, for one year? And why did that wealthy gentleman combine against me? Because I referred to a $92,000 rotten mortgage of his brother-in-law which had appeared to me to have been wrongfully taken by the bank from improper influences. And that wealthy friend of the president united his forces to get me ejected, and we did not speak for twelve months afterwards.

HON. MR. GOWAN—I rise to a question of order. I see by the 26th rule of this house all personal, sharp or taxing speeches are forbidden. If this rule means anything I cannot understand the house listening to the speech of the hon. member, which seems mostly pointed to insulting two hon. gentlemen of this Senate. There must be some good reason for this rule, and I really think the hon. gentleman's remarks ought not to be permitted. The hon. member has used language and insinuations that touch the honor of both those hon. gentlemen without one particle of fact, and in a manner and spirit that cannot commend itself to any reasonable mind. His whole proceeding throughout, I feel—and I hope I may be excused for saying so—is not a little out of harmony with the spirit of courtesy which finds its home in the heart of every christian gentleman. I appeal to this hon. House to say whether this rule 26 means anything or is to be carried out at all? If it is carried out it is impossible in my mind to conceive a case to which it more directly applies than the one now before us.

HON. MR. ALEXANDER—My hearing is so affected by age that I have not heard the hon. gentleman and I am therefore unable to reply to him.

THE SPEAKER—The rule to which the hon. gentleman calls the attention of the House is the 26th. It is a very simple rule, and now that my attention has been called to it I may say that the hon. gentleman has been out of order from the beginning of his speech up to the present time. It is not the one rule merely of Parliamentary practice that the hon. gentleman has transgressed, but several rules; it is not my duty to call the hon. gentleman to order as long as my attention has not been called to the fact. Now that my attention is directed to it I must tell the hon. gentleman from Woodstock that the personal allusions in which he has been

indulging towards two hon. members of this House are out of order.

HON. MR. ALEXANDER—Do I understand the Speaker to rule me out of order?

THE SPEAKER—I tell the hon. gentleman he has been out of order from the beginning of his remarks up to the present time.

HON. MR. ALEXANDER—Then I may say that if I am debarred in the Parliament of the country from endeavoring to unfold a serious wrong done to the orphans and widows and other innocent shareholders of the Bank of Upper Canada, then my only recourse must be to the Press, and I must send my remarks to the Press of the country.

THE SPEAKER—The hon. gentleman will remember that he has the privilege of every other member of this House within the rules of Parliament.

HON. MR. ALEXANDER—Then if I am prevented from going on to explain further I move the resolution of which I have given notice.

THE SPEAKER—It is moved by Mr. Alexander seconded by——There is no seconder.

HON. SIR ALEX. CAMPBELL—Although the hon. gentleman has not found a seconder to his motion, I yet think it is desirable that I should give some explanation with reference to the transaction to which he has called attention. I was exceedingly glad that the hon. gentleman was called to order by my hon. friend who has just taken his seat. I did not like to appeal to the House in the way the hon. gentleman has done, though I was perfectly sensible all the time that the hon. gentleman was speaking, of the irregular course he was pursuing, and that it was completely out of order, but as his accusation was levelled partly against my hon. colleague near me, I thought I would submit and hear all he had to say. We have heard most of what he had to say, because I presume from his own language that he was very near the end of his remarks before he was interrupted by my hon. friend from Barrie. I desire only to offer a few remarks explanatory of the £100,000 bill of which he has spoken, remarks which will make as clear as daylight everything which occurred with reference to that bill from its inception to the time of its payment. The hon. gentleman says now, for the first time so far as I know, that there were two bills each of £100,000, and amounting to $1,000,000. I agree that the whole amount of the debt due by the Grand Trunk to the bank was upwards of $1,000,000; but there was one bill and not two. We have the history of that bill very much in the public papers and in the returns which were brought down to Parliament some years ago. We see there that there was a dispute between the Bank of Upper Canada and the Government as to who was liable for this £100,000. We see the inception of the dispute; we see its termination; we see its settlement. The settlement consisted in the dispute having been abandoned by the bank, and the £100,000 sterling assumed by them, and the admission made that they and not the Government were liable for its payment. These transactions were not altogether during the time of the present Government or altogether during the time of the Mackenzie administration. They orignated long before that, and the £100,000 I find first mentioned by Mr. Holton in 1863, when he was Minister of Finance. Mr. Street and Mr. Walbridge, two directors of the Bank of Upper Canada, and Mr. Cassels, cashier of the bank, waited upon Mr. Holton for some settlement of the amount which they owed the Government. Mr. Holton tells them that the total amount of indebtedness must be reduced by the 1st of January next to $1,486,000, including the G. T. R. bill for £100,000. They assent to those terms, and those terms are embodied in an Order-in-Council on the report of Mr. Holton, and the first paragraph of the report adopted by the Governor-General in Council at the instance of Mr. Holton (who was not a member of any Government of which Sir John Macdonald and myself were members, but was a member of the Government of the late Sandfield Macdonald who was a reformer), the first paragraph of the report which the

Executive Council adopted on Mr. Holton's report, is as follows:

"That the bank shall abandon the pretensions it has heretofore advanced as to its non-liability for a certain bill of exchange of the G. T. Co., endorsed by the bank, and now held by the Government for £100,000 sterling."

Not two bills, the House will preceive, but one bill. These gentlemen, after considering that proposition, write to say that they do abandon all pretension, that they adopt the Minister's view, and that the bank will assume and pay that sum of £100,000 sterling. But hon. gentlemen will perhaps be curious to know was that undertaking carried out? Did the bank ultimately pay the £100,000 sterling, or was the loss sustained by the Government? Well, my hon. friend near me, the Minister of the Interior, has been very anxious to know what did become of the £100,000 sterling, and my hon. friend from Barrie also took some trouble to find it out, and was able to obtain a letter from a gentleman who had been an officer of the Bank of Upper Canada, one of the few still remaining alive, who filled the position of inspector at the time some of these disasters befell the bank. In that letter this gentleman, who was in a position to know all about the £100,000 sterling, says:—

The time elapsed is so long since these things took place, and there was such a burden of the same kind to look after, that I have now, I am happy to say, only a vague and general idea of the whole thing, and without my own special books, which I left in the bank for reference, I should be quite at sea on the subject.

The settlement with the Grand Trunk was an after matter and was carried out during the time Mr. Robert Capels was in charge. I fancy all such matters as you refer to were included in that settlement. You may remember that the Grand Trunk transferred to the bank a large amount of postal service bonds besides mortgages, I think, in rolling stock &c.,

and then he adds a paragraph which struck me very much and I regret exceedingly that the view which he takes was not adopted by the hon. member from Woodstock—

I cannot see what is to be gained by raking up this matter. The shareholders of the unfortunate bank,—passed away. Those that remained would rather not be tortured by having the thing needlessly brought before them.

It may be said that that is not clear and decisive: that this gentleman says the £100,000 sterling was settled, but he says he has only a vague recollection of it. My hon. friend near me had made application to Mr. Hickson, manager of the Grand Trunk Railway, for the purpose of ascertaining if they could tell him; and up to a day or two ago he had received no answer. When this matter was before this House some days ago he was awaiting a reply. He now, fortunately, has got Mr. Hickson's answer. The Grand Trunk Railway Company also suffered from their books being destroyed. They were destroyed by fire, and judging by the hon. gentleman's remarks to-day he will say that this fire was the work of the hon. gentleman from York and my hon. friend near me for the purpose of "concealing dark transactions." I am astonished at the hon. gentleman's boldness and the recklessness with which he makes these charges. The letter of Mr. Hickson shows accurately what became of this matter, how the bill was paid, and that the Bank of Upper Canada, so far from losing the £100,000 sterling, actually made money out of it, because they got certain postal bonds at 80 which afterwards turned out to be worth par, and more than par, and they not only got the £100,000 and interest, but they made a profit in the way it was paid, and yet the hon. member from Woodstock keeps attacking my hon. friend near me with reference to that £100,000 bill, although he had nothing whatever to do with it and although he got no portion of the money. He not only did not defraud the bank, he not only did not induce them to take the £100,000 sterling bill, but, whoever did so, the bank lost nothing by it: the bank gained by it, and the best evidence of the fact is that which is furnished by Mr. Hickson, the manager of the Grand Trunk Railway, who, luckily, has been able to find the books in which the transaction was entered, and that only within the last week. He says, under date of the 19th February:

GRAND TRUNK RAILWAY OF CANADA.
GENERAL MANAGER'S OFFICE,
MONTREAL, 19th Feb., 1885.

Dear Sir David,

Since you first wrote to me on the subject, I have caused efforts to be made at various

times to find some trace of the transactions between the Bank of Upper Canada and the Grand Trunk Railway which were settled after the passing of the Grand Trunk Arrangements Act in 1862.

Yesterday the accountant of the company succeeded in turning up, amongst a number of books which apparently were saved from the fire which destroyed the company's offices in 1875, an old journal for 1862, and from that I have had extracted the following facts:

The debt due from the company to the bank (including an unpaid bill of exchange for £100,000, apparently drawn originally in June 1859) was $1,495,830.54. Interest and charges to December 31st, 1862, were added, making the total $1,782,873.97, for which the bank received Grand Trunk Postal and Military Service Bonds £181,500, $883,300; a mortgage on surplus lands for $1,076,459.46. The Postal and Military Service Bonds were paid the revenue derived from the Imperial and Canadian Governments up to 1878, the amounts varying slightly from time to time, but, I think on the average, producing about 3 per cent. In 1878 they were converted into perpetual 5 per cent. debenture stock of the company. The mortgage on the surplus lands carried 4 per cent. interest, which was regularly paid up to the date when it was also converted into 5 per cent. perpetual debenture stock, the amount issued being £160,000.

The interest on the debenture stock has always been regularly paid, and even in these hard times it is selling at 107.

I have not been able yet to find any papers about the settlement with the Government, but I am inclined to think that the foregoing facts supply you with the information which you desire, and I very much regret that I was not in a position to give them to you earlier.

I am,

Yours very faithfully,

J. HICKSON,

General Manager.

P. S. You will observe that the Bank received a larger amount in securities than the amount of the debt with interest. This was owing to there being added to the mortgage 20 per cent. of the nominal value of the postal bonds.

The Hon. Sir DAVID L. MACPHERSON, K.C.M.G., &c. &c.

Ottawa.

So that not only had these gentlemen nothing to do with the bank taking the £100,000 sterling, but the bank, so far from losing, actually gained. They got the whole of the debt converted into postal bonds and mortgages, which were afterwards turned into five per cent. debenture stock, which debenture stock is now selling at 107. These are the facts, and yet the hon. gentleman has sent broadcast throughout the country his statements, without a tittle of evidence to support them. He says he did not know that my hon. friend had been on the board. What ignorance to confess! Is this a thing to bring before the House when the hon. gentleman does not know any of the facts, not even that my hon. friend was on the board? He was aiming at succeeding the hon. gentleman from York as president of the bank, and yet he knows nothing of the facts, and he ventures to circulate through the country his accusations against my hon. friend (Sir David Macpherson) and the hon. member from York. My hon. friend from York, as he explained the other day, was indebted to the bank. He felt it necessary to enter into this subject on a former occasion, and the House now understands it perfectly, and knows exactly how he stood with reference to it. Many others were in the same position. The compromise made with the hon. gentleman was suggested, not by himself, but by others. He was desirous of paying his indebtedness in full, as he has informed the House. The hon. member from Woodstock says: "But the brother of the Minister of Justice was one of the trustees." Yes, the brother of the Minister of Justice was one of the trustees. The brother of the Minister of Justice was accountable to the Ministry of the day, and I will read you a paragraph, which I never saw before to-day, which will show what the Finance Minister at that time, Sir John Rose, thought of him—"He is of opinion that the steps taken by the trustees since their appointment, have been marked with judgment and descretion." Could anything be more absurd than for the House to be detained by these bad, malicious and wicked accusations which are given to the public at the hands of a man who admits that he was not aware of what was going on, and apparently has not the sense to know what took place either in the bank or in the country. The Government cannot grant the hon. gentleman the committee for which he has asked.

HON. MR. GOWAN—I happened unfortunately to be a shareholder at the time of the failure of the Bank of Upper Canada, to a small extent, and I was very

largely interested in matters in which I was a trustee, and also many of my friends were very largely interested in the condition of the bank. I attended every meeting that took place, and I knew, as I believe every one in the country knew, that the hon. member from Saugeen was a director, but we were all anxious because we felt that unless something was gained—some large sum was gained from this debt due by the Grand Trunk Railway—that we might be in the position of being called upon to answer under the double liability clause. Everything was therefore watched, and watched closely, and I took a great deal of pains at the time to inform myself, as I was, as I said, largely interested for others. I remember, so far as my memory can reach back for so many years, the transactions tolerably well and I remember distinctly, for it was understood at the time, that this draft was fully settled, and fortunately for us settled, because otherwise we would have been called upon to pay under the double liability clause. I did not feel sure of details, and I wrote to a gentleman whom I know in Toronto, who has been my broker for years and stands as high as any man in the whole Province of Ontario for probity, and as a well informed and thorough business man, and who was at one time, after the failure of the bank, appointed an inspector. He had peculiar facilities for gaining thorough knowledge of all that took place in the bank. Desiring to see how far my memory was borne out I wrote to him on the subject. I scarcely expected that a man of his habits would be likely to speak, unless he had the books by him, in detail of the matters I wrote to him upon, but I did expect, and I received the letter which the Minister of Justice has read, and which fully, so far as it went, confirmed my own recollection. My recollection went beyond his, for I remember distinctly that it was spoken of and understood by those who were seriously interested in the condition of the bank, that that bill was fully and entirely settled. The hon. gentleman from Woodstock was lately in my part of the country, and I am very glad that he was there before he taking those proceedings, for that part of the country, the old District of Saugeen, sent the Minister of the Interior to the Senate, and there are thousands and thousands of people, particularly his own countrymen in the District of Saugeen, that would have looked with much disfavor upon the hon. gentleman who impugned one whom they so thoroughly and so deservedly respect. The Highlander comes of a gallant and noble race. He scorns everything that is mean and unmanly. He scorns insinuations, and I think they would have scarcely failed to see that there is much of what was personal and unfair in the attack of the hon. gentleman from Woodstock upon the two gentlemen that he selected for attack. I looked at it with all the calmness I could command, and the whole of his remarks seemed to be pointed against these gentlemen, and not for the purpose of serving the country. Now the Highlander, as I said, is a gallant man and scorns what is mean; but he has no astuteness, and I think he would have failed to distinguish the position of the hon. gentleman from Woodstock. He would fail to perceive that a gentleman speaking in this House and elsewhere has two distinct entities: that is that he could say in this House what he would not venture to say elsewhere. They would be very apt to resent it, not that the hon. gentleman need feel any alarm about coming to the Division: he will be perfectly safe so far as his person is concerned. The Highlander in Canada is a peace-loving man, one that respects the law, and the days of the skein dhu have happily passed away; but they would feel with me, and every hon. gentleman in this House will feel with me that there are wounds more grievous than the knife can inflict, when a man conscious of integrity finds his honor assailed. I regret that this motion should ever have been brought forward by a gentleman of culture. I regret the allusions which he made, allusions which can here find no response, to speak of men's large houses, of their equipages and liveries. Surely he could find no response in this hon. House to such appeals. In another arena he would have pointed them out as bloated aristocrats. Now, that such arguments should be tolerated in this House I cannot understand. I do hope, even yet, that the hon. gentleman will withdraw this resolution, which can serve no good purpose and can in no way promote the public good. It relates

to matters that even upon the simple ground of expense it would be preposterous for any government to consent to enquire into, and that enquiry I believe —and I speak for a large number of people, my own connections and others— would be utterly distasteful to them, and they would regard it as wholly unnecessary. I beg to be excused intruding a word upon this House. It is not at all necessary that I should say anything. I would not be presumptious enough to say one word in respect to the standing and high character of the hon. gentlemen who have been assailed, but there was one little point that struck me as—I can scarcely select language sufficiently strong to characterize it— it struck me as utterly uncalled for. My hon. friend from Toronto was sneered at because he was president of a Bible society. Well that hon. gentleman is in a position to distribute books, blessed books, that teach much that I think the hon. gentleman from Woodstock would improve by studying; it would amongst other things teach him that charity that thinketh no evil, that vaunteth not itself, neither is puffed up.

HON. MR. ALLAN—I had not intended to say anything on this occasion at all, because I should best consult the dignity of this House and my own self-respect by refraining from making any remarks in reply to the hon. gentleman behind me, but towards the end of his speech he intimated that if he could not make those slanderous charges here he would make them through the press of the country, and I presume he will also have his speech published in the official reports of the Debates of this House, and I should regret if my silence, my not replying to him, should be construed as an admission of any of the charges and insinuations he has uttered to-day. I take this opportunity for that reason, to give them the fullest contradiction, in order that my contradiction may be recorded in the official report. The hon. gentleman has referred in still more gross language to-day than that which he used on a previous occasion to my connection with the bank. I hold in my hand a copy of the *Globe* of June 1865, containing a report of the annual meeting of the shareholders, at which there was an unusually large attendance and at which the hon. gentleman, who was then a director, was present, when a very full and exhaustive statement of the affairs of the bank was given by the then cashier, Mr. Robert Cassels. In the course of that statement Mr. Cassels said, although it was contrary to the bank charter to make public, or to tell anything about any man's private account, yet he had my permission, and I had requested him to state how my account at that time stood. He said that that account had been reduced $15,500 since I had been president, and that it was continuing to be reduced by payments every three months with interest, until the time the bank stopped: that it was at that time reduced to $25,000, and it was upon that amount the trustees offered to settle for $12,500. I wish to say with regard to those trustees that while I think hon. gentlemen will agree with me that it is unnecessary to defend the character of one gentlemen who was referred to here to-day, Mr. Charles Campbell, because I think that they will see that he has been attacked simply because he happens to be the brother of the Minister of Justice, at the same time I cannot help protesting against the insinuations which have been thrown out as to the integrity of two men well known in Toronto, now passed away, the late Mr. Peleg Howland and the late Mr. Peter Patterson. They were both known in Toronto as men of perfect uprightness and integrity, and therefore I desire to take this opportunity of protesting against the insinuations which have been thrown out against them, as if they were in collusion with me for a settlement of the debt. I also desire to say further that Mr. Clarke Gamble, who was solicitor for the Bank of Upper Canada, under whose charge the hon. gentleman says the books were, had nothing to do with them. Those books were in the hands of trustees. I myself never saw, and never had anything to do with them from the time the bank failed down to the present moment. I may say also, so far as Mr. Gamble himself is concerned, that he had nothing whatever to do with the settlement of my debt. I make those statements because I should be sorry if any wrong impression should be created by the hon. gentleman's reckless insinuations.

HON. MR. GOWAN—I was present at that meeting and heard what took place.

HON. SIR DAVID MACPHERSON—I do not intend to trespass on the time of the House to-day more than to give an unqualified denial to every statement which the hon. gentleman has made which in any way impugns my integrity or honor. I simply repeat here that I had nothing whatever to do with the bill to which he refers—nothing to do with its inception or settlement. Its settlement appears, from the evidence produced here to-day, to have been full and complete, but if it had not been so, I would not have been responsible, legally or morally, to the extent of one cent. I never had anything to do with it, and as I stated here the other day, I simply accepted a seat upon the Bank board at the instance of the Government of the day, to check loans by the Bank of Upper Canada, and when I found that I could not do that effectually, I retired. That was my whole connection with the bank. The hon. gentleman is not content with slandering those who are here to defend themselves, but he insinuates everything that is dishonorable against gentlemen who are not here. He spoke of Sir Alexander Galt as having been interested in this bill of exchange—as having been my partner—

HON. MR. ALEXANDER—Every one knows it.

HON. SIR DAVID MACPHERSON—Sir Alex. Galt was my partner from 1852 to 1856, when he and the late Mr. Holton, who was also my partner at that time, both retired from the firm. They both made up their minds that they would give their attention to public affairs. They were very well qualified for that position, and they devoted themselves to public life for a long time—Sir Alex. Galt generally in office, Mr. Holton in office for a time, and then in Opposition. Both were very active public men, as all who hear me know. Mr. Holton, whoever knew him will say, was the soul of honor. Sir Alex. Galt is the same, and to say that he was influenced as Minister of Finance by anything that took place years before when he was my partner, is an unmitigated and cruel slander.

HON. MR. ALEXANDER—I make no charge against Sir Alex. Galt.

HON. SIR DAVID MACPHERSON—I cannot understand any man who is responsible for his words making such a statement. Is it surprising that men in this country, of sensitive feeling, are unwilling to enter into public life when they are exposed to shafts such as have been hurled at myself and other gentlemen here, and at some who are not present to defend themselves? Is it surprising when they are exposed to the shafts of envious men, of disappointed men, of men who have been political failures, and of malignant cranks—is it surprising that they should shrink from public life? I shall not trespass longer on the time of the House. I felt called upon to give an unqualified denial to all that the hon gentleman said of an injurious character against myself and against the friends whom I have named.

HON. MR. PLUMB—I do not think that this matter ought to pass without some further consideration. We have had on two occasions recently the most extraordinary exhibitions ever seen in this Chamber. An hon. gentleman, responsible as a member of this House, has brought before us charges of the gravest character, and he has repeated those charges, and I believe he has repeated them not only on the floor of this House, but elsewhere, and instead of bringing to the Senate any sort of evidence on which to found those charges, he has shown himself to be totally unacquainted with the transactions upon which he claims they are based. Although he has been a director of the banking institution to which he refers, he has not even looked at the minute book of the bank to see who were the directors who preceded him—who are perfectly well known to have preceded him. All he had to do was to turn to the books to ascertain, but he did not then know, and has lately discovered that one of the gentlemen he has accused of foul transactions in connection with the bank had been a member of the

board. It is one of the most extraordinary positions I have ever known an hon. gentleman to place himself in, and yet he pretends to possess ordinary business intelligence. He went into the board and undertook the responsibilities of a director of that large institution, and yet with the books before him, which he does not say had been falsified, because he had given a high character to the late Mr. Ridout who was cashier of the bank, he does not know who were the directors immediately preceding him. He does not know anything of the transactions about which he speaks; he does not know as much about them as I do, though an outsider. I held a large amount of stock in the bank, and the family with which I am connected had a much larger interest in it. I was in London at the time of the failure of the bank, and I knew that the dishonored bill referred to had been paid by the Grand Trunk Co. and paid by postal bonds and other securities, and that those bonds were handed over to Glyn & Co., and taken by Glyn & Co. at par in paying the indebtedness of the bank to that firm. Therefore nobody could be a sufferer as a shareholder in the bank by that transaction, except as they may have been sufferers through the mismanagement of the bank, and if they were sufferers in that way, it has nothing to do with the statement which the hon. gentleman has brought before us to-day. It is most painful to find that anyone could bring forward charges of this kind, and persist in them when it has been shown on a late occasion that there was no sort of foundation for them. The hon. gentleman owed it to himself, and he owed it to this House, if he did not owe it to the gentlemen whom he accused, that he should not again bring this matter before the Senate, or ask hon. members to listen to such accusations unless he had some foundation for them. The hon. gentleman owed it to the dignity of this House that he should not have brought before them such grave charges unless he had investigated the whole matter thoroughly, and was prepared with day and date to justify them. It was not necessary to ask for a committee, and there is only one hypothesis upon which we should hold the hon. gentleman responsible for what he says and does, and that is a hypothesis which, of course, it would be improper to state here; but upon no other can it be deemed possible that an hon. gentleman could have done and said what he has done and said in connection with his accusations when they were proved to be baseless—not only stating that this bill had remained unpaid (they are the hon. gentleman's very words) while it has been proved that there is no such bill outstanding, but making collateral charges, sneering at the hon. gentleman, and saying that he was receiving the benefit of the ill-gotten gains which he had made out of the unfortunate bank; that he had corrupted the cashier and had got himself appointed a member of the Board of Directors for the express purpose of doing a certain fraudulent act. The hon. gentleman thus attacked says that he was appointed a director for the express purpose of preventing the Grand Trunk Railway from obtaining more money from the bank; that the Government had a large deposit there, and that the Government wished to protect itself as it could not withdraw its deposit without endangering the standing of the bank, and the next best thing to do was to place somebody on the board who would endeavor to protect the interests of the Government and of the bank by preventing the Grand Trunk Railway from getting further advances, and that the hon. gentleman left the board when he found that he could not check the bank in making those advances, and when he found that a loan rejected at the board had been discounted by the manager. The hon. gentleman from Woodstock should have known that, for if he had consulted with my brother-in-law, the late Mr. Street, who cannot be charged with collusion in regard to any improper transactions of the bank, as he was one of the largest shareholders in it and was never a borrower, and whose name is certainly beyond reproach—he could have ascertained the fact. It is because he was connected with the bank that I think it my duty to tell the hon. gentleman from Woodstock that a man like the late Mr. Street could have been in no way party to or privy to any improper transactions in connection with that institution. His name was a sufficient guarantee for that, as he was respected and trusted by every-

body who knew him. I had been the agent of the bank for the sale of its bills on Glyn & Co., and I was in London when the indebtedness of the bank to Glyn & Co. was settled by Mr. Street and Judge Galt and Mr. Robert Cassels, and I know that the settlement that was made with the Glyns was a most favorable one for the bank. I know that the securities, many of them, that had been received from the Grand Trunk Railway Company were handed over to Glyn & Co., who were the largest creditors except the Government, who could have swept away and swallowed up the assets if they had chosen to do so, and thrown a large responsibility on the shareholders who were subject to the double liability, that would have made the failure much more disastrous than it finally turned out to be. And what is the hon. gentleman doing now? He is endeavoring to stir up this settlement, and to see whether there is still any liability resting upon shareholders. He is doing his best to place himself and the other shareholders of the bank in the position to be called upon, if they are liable —for every shareholder was subject to the double liability. I think nothing could have been more inexpedient than to stir up the transactions connected with the settlements of the bank. As for my two hon. friends here, it is not necessary for me to say anything in vindication of their position. The silence of this House when the hon. gentleman from Woodstock brought up his charges ought to have been a sufficient rebuke. The silence of this House on this resolution which has been upon the notice paper for a week and received no seconder, ought to have been a sufficient evidence that the hon. gentleman's position is one of utter isolation here, and a sufficient expression of the feeling throughout this House without forcing upon it such a scene as we have witnessed to-day. It is a most painful matter to refer to, and I trust that the hon. gentleman, if he carries out the threat with which he closed his speech, that he will appeal to the country through the press, will receive from the press the justice which the malice of his charges deserves.

HON. MR. ALEXANDER—No hon. member of this House can approach the hon. Senator from Barrie without admitting his great legal attainments, his large experience, and his general high character. I never had the honor of meeting the hon. gentleman until I met him in this House, except at the annual meetings of the Bank of Upper Canada when that hon. gentleman used to appear with all his means and might, as a friend and supporter of the president, Mr. Allan.

HON. MR. GOWAN—I beg to state that that is utterly incorrect—utterly and palpably incorrect, and I appeal to my hon. friend from Toronto opposite (Mr. Allan) to say whether on more than one occasion I did not press for information—whether I did not ask in a hostile spirit for it, because I felt aggrieved—and in a hostile spirit towards the directors of the bank?

HON. MR. ALEXANDER—The hon. gentleman and his friends at Barrie paid pretty dearly for the support and the proxies which they gave to the hon. member from Toronto—the hon. gentleman and his friends suffered very severely for it. As to the remarks of the hon. gentleman from Niagara I scarcely feel called upon to reply to them as he was pitchforked into this House after being rejected by the people. I like to believe that all the hon. members of this House represent the people, but the hon. gentleman from Niagara does not: he was pitchforked into this House by his great Chieftain, Sir John Macdonald. No doubt the House is heartily sick of the whole subject, and I never would have referred to those personal matters if they had not been unworthily dragged into the debate by the hon. gentleman; but I conceive it my duty now to say, and I say it very solemnly and with very great pain, that the acts and the conduct of those two hon. gentlemen remind us of the solemn words addressed in England by a celebrated Judge, upon the occasion of his sentencing Sir John Dean Paul to penal servitude, upon which occasion he observed "We may well daily pray to God to lead us not into temptation."

HON. MR. SCOTT—I do not know whether it is the intention of the hon. gentleman from Woodstock to press the motion, because I see the committee has

not been named. However, it is my duty to make a few observations on this occasion, and I think I speak the sentiments of the members of this House when I say that there is no hon. gentleman in this Chamber who would desire to stifle any inquiry that would be attended with results beneficial to the people or in the interests of the shareholders of the Bank of Upper Canada; but the question is whether the resolution itself is proper, whether, as it is worded it would be proper for this House to name a committee whose duty it would be to furnish to the public particulars of the settlement with debtors of the bank since its failure. After the bank failed it came to Parliament for an Act that authorized the assignment of all its assets to certain trustees. Those trustees were Mr. Thomas Street, Mr. Robert Cassels, Mr. Peter Patterson, Mr. Hugh C. Barwick and Mr. Peleg Howland. All of them, I believe, are since dead. At that time those trustees were given ample power to wind up the affairs of the bank; they were authorized to make such compromises in settlement of claims as in their judgment was best. There was also a clause introduced which prevented the trustees from doing anything that might be considered injurious to the interests either of the shareholders or of those who preferred claims against the bank, inasmuch as a certain proportion of the creditors of the bank had a right to apply to the Court of Chancery to call upon the trustees to account for their conduct —or any shareholder holding 200 shares had the right to call upon the trustees through the Court of Chancery to explain any proposed act, or any act that they had performed in furtherance of the trusts they had assumed. That Act was not considered satisfactory, and but little progress was made. In 1870 an Act was passed which absolutely transferred to Her Majesty all the assets then in the hands of the trustees of the bank. I assume that all that had occurred anterior to that time would be quite beyond the province of any committee that this House might name to make any inquiry into. Since 1870 the governments of this country have been charged with the administration of the affairs of the Bank of Upper Canada. Practically, the gentleman employed in winding up the affairs of that institution has been pretty much in the position of an officer of the Finance Department, and amenable to the Head of the Department to render account of the service he was performing, and to ask advice and approval of the policy he was adopting in winding up the affairs of the bank. The concluding clause of the Act of 1870 is as follows :—

"A statement of what shall have been done under this Act shall be laid before Parliament, within the first 15 days of each Session, after the passing thereof, until the affairs of the said bank are fully wound up and settled"

Having been a member of the Cabinet which was charged with the duties that were thrown on the Government of Canada under this Act, it may be proper that I here observe that during the years from 1874 to 1879 communications were frequently had with Mr. Gamble with respect to the duties which were imposed upon him, and he was called upon from time to time to close up and complete the sales of land and the closing of any open accounts in order that a final settlement might be made. I assume as a departmental matter that has been continued to be done since 1878. I think that while it might be highly improper that a committee should be named with the large powers proposed under this motion, it would be quite in order that the Government should be called upon to lay before Parliament a statement of the transactions that have been closed during the antecedent years—speaking without a knowledge whether such a thing has been done or not. I am unable to say whether statements have been regularly furnished under the Act.

HON. SIR ALEX. CAMPBELL—I do not know whether they have been furnished or not, but we are quite ready to do it.

HON. MR. SCOTT—I think in the interests of all concerned those statements should be furnished to Parliament in accordance with the provisions of the Act. These ought to be subject to the fullest inquiries. We know that every other department of the Government is obliged to make a report each year on subjects in which the people outside of the Government are largely interested, and I think it is of the first importance that the attention of the Government should be called to

this subject, and a statement should be furnished showing how the assets of the Bank of Upper Canada have been disposed of.

HON. SIR ALEX CAMPBELL—I quite agree with my hon. friend.

HON. MR. SCOTT—Does the hon. gentleman know when the last return was made?

HON. SIR ALEX. CAMPBELL—I am not aware of it.

HON. MR. SCOTT—I think a return should be brought down of the transactions since the last statement, that would furnish information for everybody interested. I will propose an amendment to the motion in the way I suggest if it is considered necessary.

HON. SIR ALEX. CAMPBELL—There is no necessity for the amendment; I will see that the statement is brought down.

HON. MR. SCOTT—On that understanding I will not propose any amendment.

The House divided on the motion which was rejected on the following vote :—

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Hon. Mr. Alexander.

NON-CONTENTS:

Hon. Messrs.

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Archibald,	McKay,
Armand,	McKindsey,
Baillargeon,	McMillan,
Bellerose,	Macfarlane,
Benson,	Macpherson
Botsford,	(Sir David Lewis),
Boyd,	Miller (Speaker),
Campbell (Sir Alex.),	Montgomery,
Chaffers,	Nelson,
Chapais,	Odell,
Clemow,	Pâquet,
Dever,	Pelletier,
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Howlan,	Sutherland,
Kaulbach,	Trudel,
Lacoste,	Turner,
Lewin,	Vidal.—49.

REAL PROPERTY IN NORTH-WEST TERRITORIES BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (A), "An Act respecting Real Property in the North-West Territories." He said: It is a pleasure to get away from such discussions as we have been engaged in since the House met, to one which I hope will be of some use to the country. The Bill which is now upon the table proposes to introduce into the North-West Territories what is called the Torrens system of land titles registration. Introducing such a system, or any system, into the North-West Territories, of course, has a very large meaning. It will change what has hitherto been the law over a very large territory, over the territory extending from the western boundary of Manitoba to the eastern boundary of British Columbia, and all of us look forward to there being in that country at some future period a very large population; so that we are about to legislate, if the House should see fit to adopt this proposition, for what will be the home of a great people. The country to which I have referred has, up to the present time, had for its system that which prevails in the Province of Ontario, and with some little variation prevails also in the English speaking provinces of the Dominion, and more or less in the Province of Quebec. That system was borrowed, I think, in Ontario and in that portion of the Dominion which we call the Maritime Provinces, from the United States of America. I believe in Ontario we borrowed our system of registration from the State of New York, and in New Brunswick and Nova Scotia they probably were led by the same example to adopt their system of registering titles. In Quebec they had their origin in a different source, to which I will refer presently. The laws in force in Ontario were introduced into the North-West Territories, and are the

laws which govern the disposition of land at this moment in that part of the Dominion of Canada.

We propose to change them in a very important respect, and I think, therefore, before I inform the House of the change which this Bill will introduce, it will be desirable that I should, for a few moments, refer to the exact system of Registration laws which prevails in the other Provinces of the Dominion at this moment. In all the provinces of the old Dominion of Canada —that is in Nova Scotia, New Brunswick and Ontario, all the English speaking provinces—the same system exists, varied somewhat, by statutory regulations, and varied somewhat perhaps by judicial decisions, but substantially the same; and the same remark could be made with reference to the Province of Prince Edward Island. In the two first provinces I have mentioned, Nova Scotia and New Brunswick, the ordinary form of conveyance which we adopt, and which hon. gentlemen are familiar with, stands good if registered. It stands good if not registered as against any person, save a subsequent grantee who has first registered his deed, and judicial decisions have grafted upon that law in Nova Scotia and New Brunswick the additional condition that the new grantee has not had notice of the first deed. That is the state of the law with reference to registration in Nova Scotia and New Brunswick. In Prince Edward Island they have adopted a different rule, and have said that the first registered deed shall take priority of the previous non-registered deed, even if the grantee had express notice. In Ontario the law has also distinctly enacted, in so many words, that the grantee in the second deed must be without notice of the previous one in order to give him the preference. So that the judicial decisions in New Brunswick and Nova Scotia have made the law parallel to what express enactments have made it in Prince Edward Island and in Ontario. In the Province of Quebec they have gone more in the direction of the system which is called the Torrens system than we have done in any of the English-speaking provinces, because there they have decided that a non-registered deed is cut out by the subsequent registered deed, even if the party has express notice, and they have gone so far as to decide that a Sheriff's deed registered will cut out a previous non-registered deed made by the execution-debtor. Some of the American cases in which the same point has come up raise this question: How can an execution have any effect against a man's land if the man has already conveyed it away? Although the deed is not registered, there is nothing you can sell. There is strong reasoning in its favour, but in a case in Lower Canada, which has been given to me, they decided that a deed is not really operative so far as concerns the execution-creditor until it has been registered, and that the title so far remains in the original grantor that it can be sold by the Sheriff in the face of a non-registered deed; so that they have gone further than even the English-speaking provinces have gone in the direction in which this Bill points. Now, that is the state of the law with reference to the registration of deeds in the provinces in this part of Canada. The title is conveyed by the execution of the deed by its being sealed and delivered. The registration is a necessary precaution to take against a subsequent grantee, but it does not effect the question of the title being conveyed, save when the two titles come into collision, the one that of the grantee of the deed not registered, the other that of the grantee of the deed registered. In British Columbia the general belief has been, and that belief is shown in many works which I have on my table, amongst others the work of Mr. à Becket on the Torrens System, a lecture by Mr. Torrens who afterwards became Sir Robert Torrens, that the Torrens system is in force in British Columbia; but such is not the case. I have a report from the Registrar-General which shows that the system in British Columbia is not the Torrens system, and I will explain the difference: The Torrens system hinges on this, that a title does not pass until registration, and that the registration is the critical moment at which the title passes from the grantor to the grantee. That is not the system which is in force in British Columbia. In that province the title passes by the execution of the deed, and there, as in this province, the registration is only adopted for the purpose of securing the grantee against subsequent deeds; but the Torrens system is

not followed there in that essential particular upon which Sir Robert Torrens dwells more strongly than any other—that is, that the title passes, not by the execution of the deed, but by the registration. In British Columbia, the title passes by the deed, and the registration is a secondary matter, for the purpose of taking precaution only. Those who advocate the Torrens system lay great stress upon the fact that the Torrens system does not recognize trusts in any way. Now, the British Columbia system does recognize trusts. The Registrar-general takes great credit to the system in British Columbia, because it does recognize trusts. Then, the system in British Columbia does not adopt the Torrens short forms of conveyance, and the Registrar-General takes credit for that. He says there is no necessity of adopting short forms, because they have men there who are skilled in conveyancing, and they adopt the English forms with great safety. I do not see, therefore, that the Torrens system is in force in British Columbia, and Sir Robert Torrens himself, and Mr. à Becket and Mr. Maxwell, who makes a report on the subject, for the government of "Straits Settlements," are all wrong in giving the Torrens system credit for the good results which are claimed to have flowed from it in British Columbia. The good results in that province are not to be attributed to the Torrens system, but to one which is much more akin to that which we have ourselves in this part of the Dominion: that is, a system of registration based on what was originally the American system, or the system in force in the original States of the Union, and now adopted in all of them, I believe. That is the state of the law in the different provinces of the Dominion. In the North-West Territories the law of Ontario was introduced almost verbatim, but the law of Ontario is also the law of the other provinces of which I have spoken—Nova Scotia, New Brunswick and Prince Edward Island, and almost the law of Quebec—the only difference being with respect to the points to which I have attempted to draw attention, so that really the law which exists in the North-West Territories may be said to be that law which is common to the English speaking provinces, and which is almost the same as the law of the Province of Quebec. In the North-West Territories they have introduced the condition that a deed to be good in the hands of a registered grantee must be a deed without notice of the previous grant. Such being the state of the law it is proposed to introduce into the North-West Territories the Torrens system as one more simple and cheap in its working than that which now obtains. There are some advantages no doubt in the Torrens system, to which I will allude presently; but I am unable to concede to it the surpassing credit which the books I have alluded to give it and which its author attributes to it. I think if anybody in Ontario or Quebec, New Brunswick or Nova Scotia had been visiting New South Wales or any of the Australian colonies, or New Zealand, and had been asked what system we had at home, he would describe with considerable praise our system of registration, our short forms of conveyancing and the implied covenants and those points which have been introduced by statute from time to time in the several provinces and which have made our system of conveyancing and registration much more easy, convenient, short and economical than any system which these gentlemen in Australia and other colonies have ever had to deal with. Having had experience of the English law, and finding what difficulties, expense and inconvenience that system entailed, they were naturally delighted with the Torrens system, because of its simplicity and cheapness. They contrasted it, not with such a system as ours, but with the English system, and in the treatises to which I have referred, the writers speak constantly, not of such a system, but of the English system with its elaborate and antique conveyances and the great expense which the English law entails. They say "Here is a piece of land worth £100, and it costs £50 to convey it from A to B." Happily, our forms of conveyance have been much simpler. Our registration, however complicated the title may have become, is fairly safe and convenient, and on the whole very easily worked. I think if I had been travelling in any of the Australian colonies, that is about the statement and explanation I would have made of our system in Canada. They were dealing with diffi-

culties arising from the English law, and they were delighted with the suggestion of Sir Robert Torrens that there was no occasion for these long forms, and that the passage of land from one person to another might be made as simple as a transfer of bank stock or the transfer of a ship from one person to another: and he said the way to do that is to allow every person who has land, if the land has already been patented—that is if a patent from the Crown is already existing—to put his land under the Torrens system if he pleases, but as to those titles which come out after the passing of the Bill to insist upon their being placed under the Torrens system. If you want to sell land under the Torrens system you make a short memorandum of the sale. You go to the Registry office and surrender your certificate of title and memorandum of sale, and the Registrar issues a new certificate to the vendee and he has the title, and this certificate is made good against all the world by statute. That is the way the title passes from hand to hand. If the vendee wishes to sell he goes back to the Registrar, surrenders his certificate and a new certificate is granted, so that the title passes from person to person. very much in the same way as a bill of sale of a ship, the certificate of ownership being produced, the sale is endorsed on the certificate of ownership, only in the case of land the certificate of ownership, if the land is sold, is given up and a new certificate is granted. That is the Torrens system, and it is the system which was introduced into all the colonies in Australia, New Zealand, in the Singapore settlements in the Straits of Malacca, and the evidence in the works I have referred to is strongly in favor of it. It has worked well in regard to cheapness, in regard to security of title which has resulted from it, and in every respect it has given satisfaction to the people, and has made land more valuable by diminishing the difficulties of transfer, and has made it more useful as being a subject with which any one could deal, though not a man learned in the law, very safely and securely. The objection seems to me, with reference to titles which have been patented anterior to the Act; they do not come under the system unless the owners desire it, and the two systems are there running on parallel lines, the ordinary system of conveyancing under the English law more or less tempered by local enactments, and the Torrens system. So, if you have to do with land granted prior to 1857, which was about the time Mr. Torrens began his agitation (although his Act was not passed until 1859 or 1860) you find yourself with the English law, and all the difficulties about title which you would expect to accompany their system of conveyancing; and if you are dealing with lands patented after the passing of the Act, you are dealing with the Torrens system, making everything plain. I hear that the Attorney-General of Ontario, my friend Mr. Mowat, proposes to introduce the Torrens system into some parts of Ontario and not into the whole province—that he proposes to introduce it into the County of York and into the City of Toronto, but not elsewhere in the Province of Ontario, and he proposes there to allow both systems to run along on parallel lines. It is difficult to know how to deal with such a subject where the titles which are outstanding are numerous, and I do not venture to pronounce an opinion upon the course which Mr. Mowat has taken. I have the greatest possible respect for his judgment and for his knowledge of the law, and for his earnest disposition to endeavor to do that which in his judgment is best for the country. Happily, so far as this Bill is concerned, and so far as the North-West Territories are concerned, we are not driven to the dilemma in which he is placed. There are so few titles outstanding now in the North-West Territories that I without hesitation adopted the plan of making it compulsory that all titles were to be placed under the Torrens system. I obtained returns from the Minister of the Interior showing that up to the 31st July last only three hundred titles had been issued in the North-West Territories. Of course there were a great many more in Manitoba, but in the Territories there were up to the 31st July last only 300 issued. It was manifestly the best course to pursue to place all the titles under the Torrens system, and that this Bill proposes to do. There are other points in this measure which will necessarily engage the attention particularly of the legal men of the House when the Bill is in Com-

mittee. Amongst them, and which struck me with considerable doubt—but which doubt has given way and I am prepared to argue in support of it—is the non-recognition of trusts. The Torrens system does not recognize trusts at all. The idea I gather from the book which I have read is that the title must pass absolutely from the person whose name appears on the book, and if he is under any obligations to other persons in respect of it they must rely upon his character, and a special provision for changing trustees which is provided by the Torrens system ; so that if I have a trustee and I am not satisfied with his character in any way I can apply to the courts and have him changed as often and whenever I like. The system to which Mr. Torrens has given his name does not in any way recognize a trust. It provides simply that a memorandum shall appear upon the registry book to the effect that there shall be no survivorship—I have forgotten the phrase exactly but that is the meaning—if there are two trustees one shall not succeed to the whole property on the death of the other. That is the meaning which is intended and which is given to it in the books of registry by a simple entry. The deed we will suppose to be to two persons, Smith and Jones. The registry would say "no survivorship." That would prevent any person from buying except from the two of them, because he would know that one could not succeed to the title in the case of the death of the other, and it would occur to him then to ascertain whether those persons were trustees. If they should be trustees and there is any difficulty about it, or any other question arises, application can be made to the court for a caveat, and this caveat will stop the conveyance for a month subject to the decree of the court ; so if any doubt arises regarding a trust, or the *bona fides* of the persons who hold the title in their name on the books of the registry office, and propose to sell, a delay of a month can be obtained by any one having an interest to inquire into the circumstances by filing a caveat which the Judge is authorized to give him. At the end of that time, if the Judge does not grant some writ prohibiting him, the sale goes on. That point of abolishing all trusteeships, and all necessity for the purchaser to look after the trust or the trustees, is one on which Mr. Torrens and those who advocate this system lay great stress. They think it better to let those who trust and the trustee fight out their own matters, but to say as regards the title the course shall be clear, and it shall go from person to person as shown by the certificate of ownership without any necessity for the purchaser to look after the trust or the trustees.

Then there are two or three other points to which I shall allude which are not essential parts of the Torrens system, but which appear in this Bill and constitute very important parts of the change which it is proposed to introduce into the North-West Territories. These are parts which have been engrafted, as it were, on the Torrens system. One is—and it appears a startling one at first, although after becoming accustomed to it we lose that feeling—changing the name and character of real estate altogether. The Bill proposes to convert real estate into what lawyers call chattels real. This would have startled our forefathers very much, but we are accustomed to changes, and on reflection it does not make much difference whether you call land real estate or chattel real. The effect is to do away with a great deal of the law which affects real property and which is not consistent with the Torrens system. I am very conversative myself, and it is only by slow degrees that I have come to think favorably of this change as I am now endeavoring to explain to the House. Real estate being converted into a chattel, various things follow. For instance when a man dies his land under the existing law goes to his heirs. Under the Torrens system it would not. It would go to his executors, and then the person entitled by will or by heirship is obliged to go to the executors or administrators and get his title from them. They deal with the chattels real just the same as with other chattels.

If there is a devise, it is to be followed; if there is no devise, the property is to be Distributed according to the Statute of distributions. I have abstained from reading any of the papers I have before me to the House, but I have ample information on this point. The chattel real comes to the executors or administrators, and then the heir or devisee gets the property from them. The law provides if there is a will,

that the chattels go to the executor and the executor gets the certificate of ownership in his turn. The title would appear first as Mr. Walker's, then Mr. Walker's executor comes, with a probate of will and the certificate of ownership which Mr. Walker held, and asks to be registered. On giving up Mr. Walker's certificate of ownership and showing letters of probate, the executor's name is put down as the owner of the land. The heir goes to the executor and gets a conveyance; he then goes in his turn to the registry office, gives up his certificate and gets a new one.

Then if there is no will, the chattel administrator is bound by the Statute of Distributions, which is much the same in all the provinces, and which we propose to introduce into the North-West Territories, and the executor will be bound to distribute the land according to that statute. These are important points, and points of very considerable interest, especially to lawyers, one of the first ones I have mentioned being part of the common system, that of the abolition of trusts. The land, instead of going absolutely to the heir or to the devisee, would go of necessity through the executor or administrator, but the executor or administrator would be obliged to carry out the provisions of the will, and would be obliged to convey to the heir or to the devisee or other persons entitled. Then another point which is introduced into the Bill, and which is not a part of the common system at all, is the short form of conveyance. We have had these short forms of conveyance for years. Perhaps before I leave the point about "chattels real," I might refer to a very strong opinion which has been expressed on the subject by Chief Justice Hoyles, of Newfoundland, who writes a letter to Mr. George S. Holmestead, a gentleman in Toronto, who has taken an interest in this subject, on that feature of the "Real Chattels Act" of Newfoundland. It seems they have taken this step in Newfoundland and in some of the Australian Provinces. I do not gather that they have taken it in all those provinces, though they have in some, and it is very much praised by Mr. Becket, who writes a work on the common system generally. In Newfoundland they have adopted the system since 1832. They there passed an Act in accordance with public opinion and feeling on the subject, and Judge Hoyles says of it:

"By one stroke it swept away primogeniture, entails, curtesy dower, and numerous other incidents of land in England, reduced to the condition of a literary curiosity a large body of real property law, and by the substitution of a single and simple tenure for the complex titles by which land is held in the Mother Country, it lessened litigation and rendered simple and easy the proof of title and the construction of deeds and wills."

I may perhaps trouble the House by reading some of those papers in Committee but I will not do it now to embarrass the consideration of the larger features of the subject. The Bill also does away with with dower and tenancy by curtesy. All these things follow the general principle which the Bill lays down, that real estate shall be no longer real estate, but shall be "chattels," and then all the rest follow. I think, myself, that the chief result so far as the improvement goes, is in this: that on each occasion of a transfer the title will be made clear. As it is now in all the provinces, I may sell a lot to-day to Mr. Walker, and a lawyer investigates the title, and it may cost a considerable sum of money. If Mr. Walker wants to sell it next year to somebody else the title is again investigated, at further expense, and so on from transfer to transfer. Under the Torrens system that investigation is done by the officer and the new grantee gets a certificate at once that he is the sole owner, and that is good against all the world. Then if he wants to sell he goes to the person who wants to buy who asks, "Are you the owner?" He says "Yes, this is my certificate of ownership." He produces his certificate and that is the end of all litigation and dispute; the title is perfect and good. Many of the advantages which the Bill otherwise offers, I think, exist in the older provinces of Canada already.

Great stress is laid, in works before me, on the advantages of short forms of conveyance, which are quite common with us: that a few words shall have a meaning given to them, by statute, of a very enlarged character. If you say, for instance, "and the grantor undertakes to produce all deeds," or if you say, "and the grantor covenants there are no incumbrances," then by a statute in force in Ontario,

and in some of the lower provinces, a large meaning is given to them which includes all kinds of circumstances which might possibly happen to render the covenant useful; and that advantage we already possess, and it is one which those who write upon the Torrens system laud it for very much indeed. I think that the system being once in force in the North-West Territory, it will be found simple and easily worked; but I would not have ventured to ask the House to take my assertion had I not verified my own view by very considerable discussion with a gentleman who has resided in that part of the world for some years as Stipendiary Magistrate, and who is himself a very good lawyer. I refer to Mr. Richardson, who was formerly in the Department of Justice. Before taking the responsibility of presenting this measure to the House for consideration, I summoned that gentleman down from that part of the country, and we talked over the whole subject, and he quite satisfied me that the system could be worked, and worked easily, in the North-West Territories; and he said not only was he persuaded of that, but that the Council who governed the North-West Territory were of that opinion also.

There is, as hon. gentlemen know, a Council, composed partly of gentlemen nominated by the Crown, and partly by elected members who enact laws for the North-West. A project of this kind was submitted to them last year, but they were not able to make any great progress with it for want of time, and for want of legal members in the Council, although Mr. Richardson was there, and the consideration of it was postponed; but it elicited a strong expression of opinion from the Council that a measure of this kind could easily be worked in the North-West Territories. I have endeavored to describe the change which it would produce. Now, with reference to the working of the system in the North-West Territories, we propose to divide the country into four Registration districts, Assiniaboia, Alberta and two districts in Saskatchewan. The country further to the north, towards Peace River, has not now any white population, and no patents and no transactions in land, and we do not propose at present to make any disposition with regard to it. But we propose to take these four registration districts and deal with them. These districts have been formed by Order-in-Council, and their boundaries have been established by Order-in-Council with the force of law. They are called now "districts" but they are intended to, and will no doubt, be eventually provinces, and the system which we are introducing in those districts which are to become provinces will, we think, be that which is likely to be adopted, and must of necessity be adopted (in the first instance at all events) by the inhabitants of those districts when they do become provinces. We propose to make each of these districts a registration district. There are registrars there now who are quite competent to discharge the duties which this Bill will impose upon them. Three of them are lawyers, who are quite competent to discharge the duty of registering titles, inspecting, and giving certificates of ownership. We have provided for an appeal from them to the collective body of Stipendiary Magistrates of the North-West, who are, three of them, gentlemen of the legal profession, and who will constitute for practical purposes a very fair Court of Appeal for such titles as are likely to come in question for the next few years. Of course, in that new country, the titles are not likely to be very complex for some time. The gentlemen of whom I speak as forming the Court of Appeal would be Mr. Richardson, formerly a barrister of Ontario of good standing, very well known to many hon. gentlemen in this House, and who was once in the Department of Justice, and I think those gentlemen who came in contact with him there will have formed a high opinion of his ability, as I have done; another is Mr. MacLeod, a gentleman from Ontario, and of large experience in the North West and also a very fair lawyer. The other is a Mr. Rouleau, a gentleman from Quebec, and who also enjoys a fair reputation as a lawyer in that province. The titles not being very complicated, for some time to come at all events, I think a court so constituted would be, for practical purposes, sufficient, and an appeal to them, so far as this Bill is concerned, we propose to make final. Another feature of the Torrens Bill is this: that a small fine is paid into

the Treasury in the Province of Australia and New Zealand on each transaction, the money going to make an assurance fund, so that if the registrar—those officers I have described in the first instance—or the Court of Appeal which I have described in the second instance—if either of them should make a mistake and give a certificate of ownership to the wrong man, and the right man should be able to establish that fact, he should have a claim on that fund. Under the Torrens system the man to whom the certificate is issued acquires the title whether a mistake is made or not, but if a wrong certificate is given, the person wronged has a claim on this fund, and in some of the Australian colonies this fund is a very large one and the claims upon it have been small, and one would infer from that fact that the system has worked so admirably there that the fund would be hardly necessary; but the transactions have been very large and numerous, involving large sums of money. I will only detain the House for a moment to mention what the growth of the fund has been. By reference to Maxwell's report on the Torrens system of conveyancing by registration of title, at pages 21 and 23, you will find a statement of the staff of the Lands titles and General Registry office at Adelaide, and an estimate of the total expenditure and total revenue, the expenditure being stated at £13,211 and the revenue at £23,000. The total number of transactions at the office, as appears by reference to page 19 of the same report, was 7,334 in 1872, and 21,494 in 1881. The amount of business done under transfer of land, Statute of Vic. (29 Vic. No. 301) in 1881 as compared with 1880 was as follows :—

	1880.	1881.
Applications to bring land under the Act, number	865	1256
Extent of land included, acres	50,764	64,990
Value of land included,	£1,015,150	£1,451,193
Certificate of title issued, numbers	10,066	13,977
Transfers, Mortgages, Leases, Releases, Surrenders, &c., numbers	18,015	23,993
Registering Proprietors numbers	311	36
Other transactions (not including copies of documents supplied)	20,234	22,310
Forms sold	226	369
Fees received	£26,579	£34,570

The following statement shews the number of dealings registered under the Real Property Act of New South Wales during the years 1876 to 1881, inclusive :

NUMBER OF DEALINGS.

Year.	Numbers.	Value.
1876	4,557	£2,272,170
1877	5,428	3,563,576
1878	6,238	4,358,326
1879	6,788	5,844,311
1880	8,725	8,658,149
1881	11,008	9,305,286

HON. MR. BOTSFORD—Who pays the fine, the grantee or the grantor?

HON. SIR ALEX. CAMPBELL—The grantor.

HON. MR. KAULBACH—How do they propose to treat leases?

HON. SIR ALEX. CAMPBELL—The certificate of ownership is made conclusive against all leases of more than three years. A lease of three years will be held valid. The transactions in one of the provinces of Austrelia are of a very large character.

The following is a statement showing the sums received on account of registration fees in the North-West Territories, from first of October 1878 to 3rd December 1884 :—

Names.	1878 — 1879	1879 — 1880	1880 — 1881	1881 — 1882	1882 — 1883	1883 — 1884	1884 — 1885
W. J. Scott	$13 25	$190 00	$245 00	....	$393 75	$16 50	
E. A. Brisbois	....	....	....	$558 25	....	....	
Alex. Sproat	....	....	....	....	198 00	....	$5 75
Dr. A. Jukes	....	....	....	....	....	181 95	273 50
Totals,	$13 25	$190 00	$245 00	$558 25	$591 75	$198 45	$279 25

Summary.

Total received by W. J. Scott	$858 50
" " E. A. Brisbois	558 25
" " Alex. Sproat	203 75
" " Dr. A. Jukes	455 45
Total Receipts	$2,075 95

I merely give this statement to show that the transactions are very small thus far in the North-West Territory, and that they have been very great in New Zealand ane the Australian colonies. Then I have to point out to the House also, as regards sheriff's titles, that the certificate of ownership will be good as against any sheriff's claim; but the sheriff is obliged, immediately on receipt of the execution, to file a notice of it, with the Registrar, and then it comes in and makes an incumbrance, which hinders or encumbers selling; leases over three years are excepted. Then in the Bill there are also exceptions with reference to certain kinds of transactions which people are necessarily obliged to embark in, and these last are Canadian in their origin. These are the exceptions as found in the 57th clause:

The land mentioned in any certificate of title granted under this Act, shall, by implication, and without any special mention in the certificate of title, unless the contrary is expressly declared, be subject to—

(*a*) Any subsisting reservations contained in the original grant of said land from the Crown;

(*b*) Any municipal charges, rates or assessments for the year current at the date of such certificate, or which are thereafter imposed on the said land, or which have theretofore been imposed for local improvements, and which are not the due and payable;

(*c*) Any subsisting right of way or other easement, howsoever created upon, over or in respect of said land;

(*d*) Any subsisting lease or agreement for a lease for a period not exceeding three years, where there is actual occupation of said land under the same;

(*e*) Any decrees, order or executions against or affecting the interest of the registered owner —in such land, which may be registered and maintained in force against such registered owner whilst he so continues the registered owner;

(*f*) All public highways embraced in the discription of the lands included in any certificate shall be deemed to be excluded from the certificate;

(*g*) And any right of appropriation which may by statute be vested in any person or body corporate.

The House will see that although they are very important, yet that great care is taken to make clear and not to extend the exceptions. They are confined to short periods, to charges which are disposed of within a very short time, and in that way the matter is made as secure as possible. I should mention to the House, before asking for the second reading of the measure, that the draft of the Bill is very much taken from the Bill introduced by Mr. McCarthy at the last Session of parliament in the other branch of the Legislature. I have caused to be circulated amongst the members of the House an index showing and giving easy reference to the various clauses, and to that I have had appended a table showing the origin of the different clauses which the Bill contains, and in that hon. gentlemen will perceive that the principal part of this measure is from Mr. McCarthy's Bill. That Bill was not, I am informed, prepared by Mr. McCarthy him-

self, but by Mr. Beverly Jones and Mr. Herbert Jones, of Toronto. Mr. Beverly Jones is a gentleman occupying a distinguished position in the conveyancing profession. It was one of these gentlemen who first gave attention to this subject of late, and from them Mr. McCarthy's Bill was obtained, and they are entitled I believe to the credit of having drafted that Bill. The original plan of introducing the Torrens system was, I believe, suggested by Mr. Mills some years ago at a time when he was in the Government with my hon. friend opposite. I desire to give these gentlemen credit for the large share which they have taken in the preparation of many parts of the measure which is upon the table. Of course the main features of it are all taken from the work of Sir Robert Torrens, and his is the original merit of introducing the system, though the merit of that even is doubted, because the substance of the scheme was presented in a report to the English House of Commons in 1857. It was in May 1857 that Sir Robert Torrens first proposed his system to the Government of New South Wales. He publishes a work in which he disclaims all knowledge of the report of the Committee of the British House of Commons, at the time he introduced his system, and it would seem therefore that the idea occurred at the same time to the committee of the House of Commons and Sir Robert Torrens himself, because the recommendation of the committee, and the main features of the Torrens system are much the same. I think I have explained to you, as far as is reasonable, the general features and scope of the Bill, and I trust that it will engage the attention of the gentlemen of the legal profession in the House, and that we shall hear a good deal about it before we pass it to its next stage. I will in the meantime move the second reading of the Bill.

HON. MR. SCOTT moved the adjournment of the debate until Friday next.

The motion was agreed to.

The Senate adjourned at six o'clock.

THE SENATE.

Ottawa, Tuesday, February 24th, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

PRIVATE BILLS.

TIME FOR RECEIVING EXTENDED.

HON. MR. LACOSTE presented the eighth report of the Committee on Standing Orders and Private Bills. He said: by this report the Committee recommends that the time for the reception of Private Bills be extended to the 5th March instant, and I move that this report be now adopted.

HON. MR. POWER—Before that report is adopted I think there should be some understanding as to when this process of continually coming up and asking an extension of time for receiving Petitions and introducing Private Bills should cease.

HON. MR. VIDAL—This does not extend the time for receiving Petitions, but for Bills only.

HON. MR. POWER—I suppose at the next meeting of the Committee we shall have a recommendation for a further extension of the time for receiving Bills. I think that it would be a great deal more to the purpose either to dispense for the session with the rules with respect to Petitions and Private Bills or to adhere to the rules, or to fix some date beyond which it is understood that the rules shall not be relaxed without special cause. It is simply making an absurdity of our rules and our procedure to have this process going on week after week.

HON. MR. LACOSTE—I may say to the hon. member that the extension has been granted in the other House.

HON. MR. POWER—That makes no difference.

HON. MR. LACOSTE—The Committee of the other House thought proper to extend the time for receiving Private Bills to the 5th March, and we are only extending it to the same date.

The motion was agreed to.

CONSOLIDATION OF DOMINION STATUTES.

MOTION POSTPONED.

HON. SIR ALEX. CAMPBELL—I desire to postpone the motion of which I have given notice that the report of the Commissioners appointed to consolidate and revise the Statutes of the Dominion be referred to a select committee, to consist of the Hon. Messieurs Dickey, Gowan, Lacoste, Pelletier, Power, Scott, and the mover, and that the said committee be empowered to act on behalf of the Senate in any joint committee of the two Houses on the same subject should the House of Commons agree to the creation of such joint committee. I desire to postpone that motion for some time, because the statutes have not been distributed yet very fairly, and more time I think is desirable for the consideration of the report which it is proposed, by the notice of motion, to refer to a select committee; but I desire in doing so, to ask the House to allow me to add some names to the committee. The names of Mr. Odell, Mr. Trudel, Mr. Girard, and some others, which, if the House will permit me, I will hand in to the Clerk. The idea will be, that I shall endeavor to get each province represented on the committee.

The motion was agreed to and the order of the day was discharged.

LEGISLATION IN THE SENATE.

MOTION POSTPONED.

The order of the day having been called:—

That he (Mr. Plumb) will ask the Government to encourage the initiation of Private Bills in this House, with a view to the more equal division of the labors of the two branches in the earlier period of the Session, and that he will also ask the Government to originate in this House as many measures as the law and usages of Parliament will permit in order that this House may more adequately fill its place in the Constitution.

HON. MR. PLUMB said: some papers will have to be prepared in connection with this motion, and by my own desire and on the suggestion of my hon. friend the leader of the Government, I would ask to have the motion postponed until Thursday week.

HON. MR. POWER—Now that the hon. gentleman has postponed this matter, I wish to call his attention and the attention of the House to what strikes me as being a somewhat serious irregularity in the notice which he has given. There are three modes by which a member of this House can bring his views before Parliament—he can simply make an enquiry for information and get an answer from the Government: he can call attention to a matter and conclude by an enquiry, and he can move for papers or a committee or anything of that sort. Although the hon. gentleman from Niagara has put his notice in the form of an enquiry it is really not an enquiry but a request. The hon. gentleman does not ask for information; he asks the Government to encourage a certain course which he suggests; and I wish to call the attention of the House and of that hon. gentleman in particular to the fact that we have never had an instance of this kind before, and it is in the judgment of the House to say whether it is not irregular, and whether the proper mode would not be that the hon. gentleman should call the attention of the House to the fact that very few Private Bills are introduced here, although we have time to attend to them; but to ask the Government to do so is manifestly irregular.

THE SPEAKER—The hon. gentleman will have time to modify his motion between now and the time mentioned, if he thinks proper. There is something in the objection raised by the hon. member from Halifax. As he stated, there are two ways of bringing this up before the House, either by enquiry or by motion. On a simple enquiry on a subject, a debate of an extended character is not permitted, but under the practice prevailing in the House of Lords, which was introduced in this branch of the Legislature first by the hon. Minister of the Interior, the practice was adopted whereby in giving notice that a member would call the attention of the Government to a certain subject and ask information thereon, a general discussion was permitted. I have no doubt that that

was the intention of the hon. member from Niagara, although the enquiry as stated on the paper is not exactly in the form which is customary in this House. Bourinot, in his work on Parliamentary Practice, page 322, says :—

"The more regular, and now the more common practice, is for a member, in cases requiring some discussion, to give notice that he will call attention on a future day to a public matter, and make an enquiry of the Government on the subject. Then it is perfectly legitimate to discuss the whole question at length, as the terms of the notice show the intention of the person who puts it on the paper."

Now, I am not prepared to say that the terms of the motion do not give notice of the intention of the mover, but I think it would be more in accordance with the practice of this House, which has been followed for some time, if the hon. member from Niagara would modify his notice in the way indicated.

HON. MR. PLUMB—I have no objection whatever to modify this question in any way in which the object I desire will be attained. I am not at this moment prepared to refer to any proceedings, but I think the notice is in conformity with the usage of the House of Lords. I will not state that positively, but with the permission of the House, if it is found that it is desirable to modify the motion, I certainly am most desirous to do so; and I am very much obliged to my hon. friend, the senior member for Halifax, for calling my attention to it, and if there be any irregularity in the notice I shall be glad to have it corrected.

WINTER COMMUNICATION WITH P. E. I.

ENQUIRY.

HON. MR. HAYTHORNE—I think that the enquiry of which I have given notice is strictly in conformity with the terms of the rule just laid down by his Honor the Speaker. It is as follows :—

That he will call the attention of the Senate to the insufficiency of the steamship "Northern Light" for the performance of the mail and passenger service between Georgetown and Pictou, more particularly in early spring—and will ask the leader of the Government in this House whether it is intended to place another vessel on that route, as consort of the "Northern Light;" and if so, when?

My reason for making this separate motion is because I wish to keep this branch of the subject of communication with the mainland separate from the other, which refers to a particular case; and my special reason for calling attention to it to-day is, because I was a witness last spring of circumstances which, in my view, involved grave risk to numerous valuable lives. I may state at once my belief that the steamer "Northern Light" is in good condition; that great pains have been taken to strengthen all her weak parts and put her in a state of efficiency; but her capacity is small. Although not a very small vessel, a large part of her space is occupied by engines and boilers, freight and luggage. Of course the commander is not absolutely bound to carry freight; nevertheless it is carried. The luggage of a large number of passengers piled on her deck is no trifling matter. On my return home from my duties in this House last spring, I was detained on the mainland for two or three days awaiting a change of weather which would enable the "Northern Light" to come to Pictou. A telegram informed us that she had left Georgetown on her passage, but she was evidently hindered by adverse winds and the presence of very considerable quantities of ice in the straits. Ultimately she arrived safely, bringing, as it was said, about 100 passengers. Her mails and what freight she brought were of course soon delivered and every dispatch was made to enable the vessel to return to the Island that same afternoon. She actually effected the passage, but the point to which I wish to draw the attention of this House, and particularly the attention of the Government, is that there were from 75 to 87 passengers on board on her return. I say 75; my hon. friend who sits opposite (Mr. Montgomery) to me says there were 87 passengers on board, but this I have no hesitation in saying, that even with the smaller number and their luggage on board, and such freight as that vessel was capable of carrying, there was barely standing room, to say nothing of sitting room, or the accommodation which one expects to find in a passenger steamer. I leave it to this House, composed of intelligent and experienced men in all walks of life, to say whether it is a thing to be desired or tolerated, that year after

year the lives of Her Majesty's subjects should be risked in that way? It is true that on the occasion to which I refer that vessel made her passage in a very few hours, but circumstances might have occurred—circumstances had occurred in previous years—which would have kept her out in the Gulf, perhaps shut into an ice field for three or four days; and I simply ask what would have become of that crowd of passengers who had scarcely standing room on the decks, if such an event had happened? Of course it must be attended with very great suffering and inconvience to them if nothing else, but hon. gentlemen who perhaps may recollect an accident which occurred in Ontario in the summer time on a river, and how that accident was attended with frightful loss of life, may easily conceive how much greater loss of life would ensue should such a vessel as the "Northern Light," crowded with passengers, be caught for any length of time in bad weather in an ice field in the spring. It is for this reason that I have called the attention of this House and the Government to this question; because I feel that if I failed to make these circumstances fully known in my place in this House, I should be responsible for any accident which might occur from want of making known the facts. I take it that this is by no means a necessity. The Government have built a vessel called the "Lansdowne" which was launched last November, a strong vessel, competent for navigating ice-encumbered seas, and that vessel, as was stated in reply to a question put by me during last session, was to be ready for service last Autumn—last October the leader of the Government stated. No doubt delays frequently occur as to the precise time at which a vessel can be launched and made ready for service at sea, and I am not disposed to find fault because that vessel was not where they promised she should be last Autumn; but I do solemnly appeal to the Government not to allow a repetition of such things as I have described, and which will infallibly occur again this spring under similar circumstances. I appeal to them to send the steamer "Lansdowne" to assist the "Northern Light," for the conveyance of passengers and their luggage and freight, as a consort to the "Northern Light." Hon. gentlemen might suppose that there was a simple remedy for this by instructing the captain not to take more than a certain number of passengers on board. Well, that of course would be a remedy, but it would be a vast inconvenience, and it would be something more, it would be a cruel thing, because it is within my knowledge that last spring numbers of poor people were waiting for a passage across, and they had not the means to pay their expenses if they had been long detained there. I was informed that some of them went out and sought work in order to be able to live while waiting for the arrival of the "Northern Light," and, therefore, while taking fewer passengers might be a remedy for the danger, it would be cruel, when the Government have another vessel fully capable of assisting the "Northern Light," to detain passengers there. I would now ask the question of which I have given notice.

Hon. Mr. KAULBACH—My hon. friend, as in duty bound, looks after the interest of the Island from which he comes, and he always speaks on this subject with great force. No doubt it is the duty of Parliament, and of the Government in particular, to see that proper security is afforded to life and property. It is evident however that this crowding of the steamer with passengers can only occur in exceptional times, in the spring when there is a great deal of travel and traffic across the straits in consequence of the usual winter stoppage. This exceptionally large traffic can only occur for two or three weeks in the spring and perhaps means could be devised to put on an additional steamer in the spring to assist the "Northern Light." I do not think that there is sufficient passenger and freight traffic there to employ another steamer for any extended time during the summer.

Hon. Sir ALEX. CAMPBELL—I know the importance of the question to which attention has been drawn by the hon. gentleman from Prince Edward Island, and I am very anxious that every satisfaction should be given to him in regard to a subject in which he justly takes such a deep interest, as indeed do all the members from Prince Edward Island. My hon. friend will admit that it is a very difficult thing to maintain communication

between the mainland and the province from which he comes at all seasons of the year. The Government have endeavored to do so in pursuance of the terms upon which Prince Edward Island entered the Union. They have endeavored to do so by means of the "Northern Light," which is a ship built expressly for that service during the time the administration was in the hands of Mr. Mackenzie. As far as any representations go, which I can get from the Department of Marine and Fisheries, the service of the "Northern Light" has not been very unsatisfactory I think, or ought not to be regarded as having been unsatisfactory. I have a return showing the dates in each year, from 1878 to the present time, when the "Northern Light" ended her trips and when she resumed them. It is as follows:—

Stopped.	Started.	Time Stopped.
Jan. 16th, '84.	Mar. 13th, '84.	56 days.
Jan. 5th, '83.	Mar. 26th, '83.	80 "
Feb. 5th, '82.	Mar. 31st, '82.	54 "
Jan. 21st, '81.	Mar. 30th, '81.	68 "
Mar. 10th, '80.	Ap'l. 10th, '80.	31 "
Feb. 18th, '79.	Mar. 25th, '79.	36 "
Feb. 9th, '78.	Mar. 5th, '78.	24 "

Now, with reference to the vessel itself, these remarks are made in a paper which has been sent to me from the Department of Marine and Fisheries, and give the opinion of the officer who formerly served on the "Northern Light," and who is now in the service of the Department here, a Mr. McElhinney :—

That I am of the opinion that the steamer "Northern Light" can work through the heavy ice of the strait as well as any other vessel of the same power that could be constructed, and in this I am sustained by the unanimous opinions of the officers examined before the Committee appointed by the House of Commons to enquire into the matter of steam communication between Prince Edward Island and the Mainland wherein they express the opinion "that no steamship can be built capable of keeping up continuous communication in mid-winter." Taking the average winter, after the first of January, the ice begins to get heavy, the tide and wind shoves the fields and blocks one under the other until it becomes 15 to 20 feet thick and sticks together so that it becomes nearly solid, and in such large fields that no steamer could open it up no matter what her size or power, and if constructed so as to run up on the ice, it would hold any vessel until frozen in solid, if the vessel track would remain open the difficulty would not be so great but this is not the case, when the ice begins to shove, it closes in around the stern so that the steamer can neither go astern nor ahead. I have seen the "Northern Light" lying on the ice, with float line two feet out of water, after the crew had cleared the ice away from all around to the depth of more than 6 feet.

I am therefore of the opinion that the steamer "Northern Light" does the work as well as any other vessel of the same power could.

The hon. gentleman who makes the motion says why not put on another vessel? Well these vessels have other duties to perform. It is true a vessel has been built called the "Lansdowne," but there are a great many other duties for that vessel to perform. She has to take her part in the lighthouse service all round the coast of Nova Scotia and New Brunswick and it would be, as we think, almost impossible for us to spare her for a continuous service between the Mainland and Prince Edward Island, but it is the intention of the Department to have her ready so that if anything should happen to the "Northern Light" at any time she could be sent round there for that duty. With reference to that portion of the inquiry I have this memorandum sent to me from the Department—

"It is not the intention of the Government to place another steamer on the route as consort at present, but they have the steamer 'Lansdowne' in reserve, which vessel is fitted for ice service, and in case of any accident to the 'Northern Light,' would be available for the service.

"Capt. Finlayson reports that he will try to cut the 'Northern Light' out of Georgetown in the beginning of March, and if she can then make trips without incurring undue risks to life and property every effort will be made to run the vessel regularly the remainder of the season."

Now I am conscious in making this reply that it does not give my hon. friend all the satisfaction I could wish, but I think he must see that it would be very exacting on the part of that particular service to insist upon two steamers being placed there for the purpose of maintaining it, when, under ordinary circumstances it could be very well done by the one ship, which ship appears to be very well adapted for the service, and as capable as any vessel of her power to perform it. Perhaps the presence now and then of the "Lansdowne" may turn out to be useful, to supply any deficiency in the service which may be occasioned by a passing accident

to the "Northern Light"; or at some future time it may become necessary, for anything I can say, to have two vessels, but in the meantime I am not in a position to say that it is the intention of the Government to put on an extra steamer. It is our intention to do the best we can with the "Northern Light."

HON. MR. HAYTHORNE—The hon. gentleman scarcely appreciates the point of my remarks. The point I wished to make, and which I thought I had made, was that great risk of life was run every Spring from the sudden accession of the number of passengers desiring to pass the straits, and if the "Northern Light" was assisted then—it might be for three weeks or less—that that risk would be obviated. It seems to me that to hold the "Lansdowne" in reserve while the "Northern Light" is daily passing backward and forward with such a crowd of passengers on deck as to run great risk of their lives, to say nothing of inconvenience to passengers themselves, is very poor consolation to the people of Prince Edward Island. It is a poor consolation to think that they, their comfort and convenience and their lives, should be thought nothing of, but that the "Lansdowne" should be kept in reserve while all these risks are being run. That is the point which I wished to bring to the notice of the Government, and having witnessed this risk which was incurred last Spring, myself, I conceived that I would be failing in my duty if I did not call the attention of the House and the Government to the subject.

HON. SIR ALEX. CAMPBELL—There was nothing of that in the notice, and I was not furnished with the necessary information. The notice says nothing about the number of passengers crossing at any particular season of the year. The mention of the early Spring, I thought, referred to the dangers of navigation at that season of the year. Now that the hon. gentleman has explained that it refers to the number of passengers crossing on the steamer, I will again direct the attention of the Minister of Marine and Fisheries to that particular question, and will endeavour to inform my hon. friend tomorrow what the reply of the Department is to that.

HON. MR. HAYTHORNE moved—

That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House a copy of the instructions given by the Department of Marine to the commander of the "Northern Light."

He said: I have made this motion with a view to satisfying public opinion in the Island as well as elswhere on the point. The general impression is that the instructions supplied to to the commander of the "Northern Light" are of a character which prevents him running any risk, and if he does so that it must be at his own proper peril. The safest way of setting this matter at rest is to produce a copy of the instructions, and to that I fancy there can be no objection.

HON. SIR ALEX. CAMPBELL—There is no objection to the motion, and in order to facilitate any action which the hon. gentleman may desire to take I have brought down the instructions and will read them to this House. They are as follows:

"OTTAWA, 12th Jan., 1884.

SIR,—

Referring to my letter to you of the 14th December, 1882, I have again to instruct you to use your own judgment as to when the "Northern Light" should run, and not to be governed by directions from any persons, as the Department will hold you responsible for the safety of the vessel, and you are to incur no risk whereby the safety of the vessel may be endangered by being caught in the ice. No risk also is to be incurred for the purpose of carrying over any particular passenger or passengers, and the Department expects that you will use your judgment in all matters affecting the running of the boat, and will hold you responsible for her safety.

I am,
Sir,
Your most obedient servant,
WILLIAM SMITH,
Deputy Minister of Marine

Capt. A. FINLAYSON,
"Northern Light,"
Pictou, N. S."

Ottawa, 16th Jany., 1883.

CAPTAIN FINLAYSON,
Stermer "Northern Light,"
Georgetown, Prince Edward Island.

Telegram received urging department order you run; responsibility is with you; expect you to run no undue risks.

(Signed)
A. W. MCLELAN.

Ottawa, 18th Jany., 1883.

CAPTAIN FINLAYSON,
Steamer "Northern Light,"
Georgetown, Prince Edward Island.

With knowledge of ice you must be judge, and held responsible for safety of boat, incur no undue risks.

(Signed)
WM. SMITH.

Ottawa, 10th Jany., 1885.

CAPTAIN A. FINLAYSON,
Steamship "Northern Light,"
Care Messrs, Noonan & Davies, Pictou.

Advisable make daily round trips when practicable, having regard safety vessel.

(Signed)
WM. SMITH

The motion was withdrawn.

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

ENQUIRY.

HON. MR. HAYTHORNE—Some days ago I gave notice that I would call the attention of the Senate to the report of the Select Committee of the House of Commons on steam communication in winter and summer, between Prince Edward Island and the Mainland, dated 18th April, 1883, and to the evidence appended thereto; and would ask the leader of the Government in this House whether the attention of Ministers has been directed thereto, and whether they intend to give effect to the recommendations of the Committee, or to adopt any measures with a view to prevent the recurrence of disasters similar to that which recently imperilled the limbs and lives of crews and passengers, and the safety of the mails, in attempting to cross the Straits of Northumberland, between the Capes Traverse and Tormentine. I may say, hon. gentlemen, that the minds of the people in my province are in a state of high excitement in consequence of the great danger to which their fellow-countrymen and the crews and captains of the ice-boats have been exposed upon a recent occasion. I am not aware that I can adduce any new facts or arguments of my own in reference to this question which I have not stated, I may say year after year, for eight or ten years past, in my place in this House. I cannot certainly allege that I have been treated with any discourtesy from the gentleman leading the Government in this House—Sir Alex. Campbell; on the contrary, I recognize the readiness which invariably induces the hon. gentleman to give me prompt and decisive answers on the questions I have put to him relative to this important subject. He has certainly given me plain and straightforward answers, but not being himself responsible for the execution of those answers, it has often happened that I and other members connected with Prince Edward Island have gone to our homes under the belief that the remedy would be found for many, or at least some, of the great difficulties we labor under in passing from our province to the Mainland in the winter, and yet we find after all that our expectations have been disappointed, that the Marine Department refuses to move, remains *in statu quo* year after year, doing little or nothing of these things which have been deliberately promised on the part of the Government by the hon. gentleman, the leader of this House. If it were not that many gentlemen are this session occupying seats in this House for the first time, and that many others here are not perhaps familiar with the subject to which I allude, it would not be necessary for me to make a few preliminary remarks before going into the subject generally. It may appear strange to some hon. gentlemen that a question of so comparatively small importance—so small a thing in itself as the passage of a strait only eight miles wide—should be of sufficient importance to bring it before a branch, in fact both branches of this Legislature, but there are many reasons why it is of importance, some special and some such as would apply to any other strait under similar circumstances. There is first the ordinary obligation which all Governments lie under to convey the mails of each province to that next adjoining, and to convey with those mails such passengers as find it necessary to travel with them. That is an ordinary obligation which I have urged over and over again in this House, and it has been fairly and practically admitted by the hon. gentleman opposite, in fact it would be impossible to deny that obligation without at once throwing to the winds the ordinary obligations of all Governments. There is that obligation, and there is another one,

if possible, of greater importance; that other obligation is that at the time of the entry of our Province into Confederation with Canada one of the terms which was made with us was that the Dominion Government would maintain summer and winter steam communication between the Province of Prince Edward Island and the Mainland, thus putting the Island province in communication with the Dominion system of railways. To those railways we were contributors, but we could not avail ourselves of the advantages that were offered by them, and therefore unless some ready means of access could be obtained to and from the Mainland, our union with Canada would be rather in name than in reality. This question had occupied some attention before confederation was talked of, before the railway era was developed in our province. I think the first gentleman in Prince Edward Island who directed public attention to this subject was the present member tor Queen's county, Dr. Jenkins. He then being a member of the local legislature, about the year 1867, moved for a committee to enquire into this matter, and I think that was the first time the subject is noticed. Two years later a deputation from the Government of Canada came down on a visit to Prince Edward Island with a view to induce us to enter the Confederation. That deputation consisted of Sir Leonard Tilley, Sir Edward Kenny and Sir George Cartier. It was my duty to receive those gentlemen. At that time Confederation was, I may say, unpalatable to nine-tenths of the people of Prince Edward Island. I had interviews principally with Sir Leonard Tilley, and I told him that in my opinion the people of Prince Edward Island could perhaps be drawn somewhat towards Canada—perhaps be taught to review their opinions as to Confederation if he could accomplish two great improvements in their behalf. With one of those I have nothing to say here. It is not connected with this question: but the other was the keeping open of steam communication during winter across those straits. Accordingly, when a few months later terms of Unionwere transmitted to the Local Government of Prince Edward Island, amongst those terms was to be found what I have just stated to the House, steam communication, winter and summer between the Island and the Mainland. This was one of those terms. It is true those terms were not accepted at that time; but later on—four years later—circumstances had changed in the Island, and again an effort was made to confederate the Island with Canada. This time the offer came from the Island itself, and again the same condition was introduced. A second attempt was made in the same year to carry Confederation, and proved successful, and for the third time the same clause found its way into those conditions, and there it stands now; and I regret to say it stands unfulfilled. Yet I willingly acknowledge that efforts have been made, efforts which the hon. leader of the Government alluded to in the short address which he made to the House a few moments ago. I think anyone who has studied this report of the Committee of the House of Commons will come to the same conclusion that I and many others have expressed, that daily communication—constant communication—between Prince Edward Island and the Mainland by steam in the winter time is not always practicable. There are states and conditions of the ice in that strait which no vessel which has hitherto been constructed could overcome. I have often discussed that question in this House, and while I have said I have never felt disposed to insist on the performance by the Government of what I recognize as an impossibility, still I do claim from them this—that they should use every effort in their power to make that communication as easy and regular as the circumstances at their disposal will permit; and though it be impossible under certain circumstance to force a steamship through pack-ice such as resists the progress of Arctic voyages in polar regions,—for the same conditions prevail at certain seasons between Georgetown and Pictou,—yet it is quite possible to render the other passage, that between the two capes, far more easy, far more regular and safer than it is at present. It is partly with a view to elucidate this branch of the subject that the Committee of the House of Commons was asked for, and any one who will take the trouble to study the report of that Committee or even to give it a very cursory perusal will see that almost every witness agreed that the

ordinary boat service could be greatly improved at a comparatively small expense; that passage by steamer was practicable during a considerable portion of the winter: that some days when the strait was impassable for those small boats, it was perfectly practicable to navigate it by steamer, and let me say, hon. gentlemen, that the chief difficulty to be encountered there does not arise from excessive cold or from the great quantity or density of the ice—it is ice that is not solid, and large areas of water that interrupts our progress, and those are conditions which certainly a steamer of adequate power and strength ought to find no difficulty in forcing her way through. It is for that reason I say that although these original conditions upon which we entered into Confederation cannot be fulfilled to the letter by any known powers at present in existence, yet they can be fulfilled in spirit at least, and a desire can be shown on the part of the Government to do all that in them lies to prevent the recurrence of such disasters as that which happened the other day and which placed in jeopardy many valuable lives exposed out on the strait, and other lives ashore, which were at all events, if not sacrificed by it, jeopardised by this occurrence. We have a right to consider in a question of this sort not merely the lives of the men who get out there and incur risk in the performance of their duty, and those passengers who also in conformity with their duty or the pressure of business have to cross that strait, but we have to think of the wives and children and friends of those who are exposed, and the anxiety naturally felt by them while their fathers, husbands and brothers are unnecessarily—I say it advisably—unnecessarily exposed to those great dangers. Something has been said in the press of Prince Edward Island which I read with very great regret, which had reference to the behaviour of the captains and the crews of the boats upon that recent occasion, and I cannot avoid taking this public occasion to state my impression that whether there is or not any truth in those charges—the men whose characters are at stake should seek an investigation of those charges. From my own knowledge of those men such charges are entirely foreign to their ordinary conduct and ordinary practice. I have ever found them—and I have crossed those straits under various conditions during many years of my life—able, brave, courageous men, and exceedingly kind in their conduct to passengers, let them be weak or strong. If strong they are glad of their assistance to help them over their difficult journey, and if weak they are ready to draw them as long as they require to be drawn, and I think, myself, it is an unlikely thing—it would be altogether at variance with the character those men have so well established during many years of service, if it should unhappily prove to be true that their conduct on that occasion was not what it ought to have been. I wish to curtail my remarks as much as possible, partly because I know that this subject is threadbare to many members of this House. It is really only from a sense of the great importance of it to the people of my province, and from the desire to draw from the leader of the Government a direct and unmistakable expression of what the Government intend to do to meet those difficulties. I had before now promises: I have before me extracts which I I could refer to of promises which have been made and which have not been fulfilled. We know very well if it rested with the hon. gentleman opposite (Sir A. Campbell) to fulfill those promises, he would have done so, but unhappily it rests with another Department not represented in this House. Now, I say if the head of that Department is unwilling or incapable of carrying out this necessary improvement, let him retire and give place to somebody else. There are men, members of the Legislature, supporters of the Government, who, I feel convinced, are thoroughly capable of conducting that Department, and especially of carrying out the improvements which are required on those straits to the desired conclusion. Two years ago, at least, the hon. gentleman opposite, in reply to the solicitation of the members from Prince Edward Island, promised on behalf of this Government that shelter should be provided for the boats which worked this arduous transit across those straits. Up to that time those boats, after use, were simply turned over on the fringe of ice that lies for miles along the shore, wet, damaged,

heavy, all the same, there they lay, and if they required repairs it had to be done, at the ordinary winter temperature, out of doors. If anything else was necessary, if the boats had to go out the next day, there they were covered with ice and snow, double the weight that they would be if clean and dry. So long as these boathouses are not provided it is utterly impossible to create any great change towards adding to the comfort and convenience of passengers. Since I have been here I have received a letter from a correspondent on the Island who points out that such an accident as that which occured not many weeks since could have been obviated if the boats were kept under cover, and if every boat was supplied with such ordinary comforts and conveniences as would not in weight altogether amount to as much as one traveller's trunk. For example he points out that a small tent should be carried: that some simple tools should be carried, for up to this time it has not been the practice of these men to carry even an axe, and should they be met with a fringe of ice which it is scarcely possible to drag their boats through, still it has to be done by the labor and fatigue of the men and destruction of the boats, whereas a few strokes of an axe would open a road for them. Again the same correspondent writes to me that the boats taken out of the boathouse could also take with them some canned provisions, an oil stove, and some felt foot wrappers to cover passengers or boatsmen in danger of being frozen. It must be quite obvious to every gentleman here that such an improvement as that is utterly impracticable as long as the boat, as soon as its immediate use is over, has to be left on the shore exposed to the snow and sleet, and whatever atmospheric changes may happen; but it is the simplest and easiest thing in the world for those improvements to be carried out if the necessary boathouses were furnished. Two years ago those boathouses were promised us here; still last session came round, and it became my duty to point out to the hon. gentleman opposite that the promises of the previous year had not been fulfilled. The answer I then received was that the hon. Minister thought the boathouses were built. Now what has occurred since? I came down to this very strait some four weeks ago, and I found no boathouse; I found, though, a gang of carpenters working out of doors with the thermometer many degrees below zero, in the month of January, preparing to build a boathouse then. Our province wants something more than promises; we want performance, and performance we must have. I have no doubt that the hon. gentleman is prepared to rise in his place to-day and give me every satisfaction, and I have no doubt that if he was in power himself, he would see that these promises were carried out; but the Government as a whole are responsible for the promises made in their behalf. More directly I charge his colleague who is responsible for the performance of this particular duty, with having neglected it, and if he does not perform the duties of his office they, his colleagues, should compel his retirement, and replace him, or those who will not do their work, by others who will, and nothing else will satisfy the people of Prince Edward Island. They are now in a state of excitement which it is painful to see. It is a dreadful thing for men to have their lives exposed in the way they are, and to know that their interests are so neglected by the Government of this country. I say that the excitement of the people of Prince Edward Island on this subject, though it may appear strange, is a reasonable excitement, and the cause of it must be removed. I have pointed out in my place here before now how it can be removed. I came here two years ago after attending an indignation meeting, held a few days before near the Cape from which I started. At that meeting expression was given to those feelings; we members were told that we were doing nothing to have this grievance redressed. We said in reply that we were doing everything that could be expected from men in our position; that we had called attention every year to this unsatisfactory condition of things, and had received promises and were disappointed as to their fulfilment, and that the failure was not our fault. The result is, that instead of a contented people, loyal to the Confederation, we have men continually complaining and continually using such language as this: "Give us those terms of ours to the letter." They do not stop to inquire whether those terms are possible or impossible, but they

say "Give us those terms of ours to the letter, or cut us adrift and let us be as we were before Confederation." Is that a desirable state of things? I have called attention before now, in my place in this House, to that particular phase of the Island's discontent two years ago, and at the very opening of this present Parliament. I have left myself but little time, and perhaps not much voice either, to call attention to some of the contents of this report of the Committee of the Commons. Almost every witness who speaks there, speaks of the possibility of assisting those boats in the winter season by steamer. Mr. Samuel Prowse, a member of the Island Government, a man of sound common sense, makes that assertion. Dr. Jenkins, a man of very great experience, who has been crossing the straits from boyhood up to the present day, and who has made it a special study, says that he is confident that steam can be brought to assist the boats. Capt. Arthur Irving, a man nearly sixty years of age, whose whole life has been spent in this service, says the same thing; he says not only that steamers can cross occasionally, and would obviate the long delays which occurs now and then there, but says also that the steamer could cross a great deal oftener than people generally suppose. It is an important fact that in the year that this gentleman was brought up from his duties in the straits to give evidence before the Committee of the House of Commons, he stated that in that particular season the ice was usually light, and his opinion was that up to that date, about the middle of March, a steamer could have crossed every day, provided it was a properly constructed vessel. Other gentlemen express the same opinion. I need not mention the opinions given by gentlemen who hold seats in this House, and especially that of the hon. gentleman from Charlottetown and of the hon. gentleman from Alberton, and my hon. friend who sits opposite me —they are here to speak for themselves. I myself appeared before that Committee in person, and I also put in, at the request of the Committee, my opinion in writing, and there my opinions stand. I see no reason to withdraw or qualify them, and I maintain that if a proper steamer is constructed for that purpose—not constructed upon strictly economical principles, but constructed with a view to service, that one great cause of complaint as to the interruptions which occur in that passage will be obviated. Other gentlemen who were examined have expressed the same opinion; and another most important point to which I wish most emphatically to call the attention of the House and Government, is the recommendation of the Committee that the service should be assumed by the Government; that no longer should it be made a matter of come or go or stay at home by the captains of the boats at the instigation of the passengers or crews, but the whole service, including the steam service, should be under the control of one individual selected by the Government, and appointed because of his capacity for organization, and if such a person can be found the success of this new attempt, I feel convinced, will be attained at last, because it will depend to a great extent upon the capacity and ability of the individual who fills that position. That this particular point has been recommended by every witness who spoke before that Committee is I think the strongest proof which can be brought forward of its absolute necessity. I feel that I have detained the House a very long time. I stated at the commencement that I had no new facts and arguments to bring forward, at least but one. I think I have, in former times, from my place in this House, used every argument and pointed to every detail that I have referred to on this occasion, only perhaps with greater force than I have been able to exert this afternoon. But the one fact to which I wish to refer is the recent catastrophe. It has led to endangering the limbs of a number of men, some of them passengers, some boatmen —only boatmen, poor men—depending on their strength of body and limb for their livelihood—and these men have had their limbs jeopardized; other men, members of Parliament, have had their lives jeopardized, and other events have happened in their homes too sacred almost to refer to even in this House; and I say that such events as these, of such recent occurrence, ought to make the Government feel that the necessity lies on them to remedy the gross neglect which has occurred heretofore in this matter. I might apply to the defaulting Minister, owing to

whose neglect this catastrophe has occurred, the words which Gordon used the other day away at Khartoum, "You eat, you drink, you sleep on comfortable beds, while we fight and struggle against the inclemency of the weather, the dangers of the ice and the straits, and yet you let us go on year after year with this same state of things prevailing." Let us have no more of that; let us have some honest exertion on the part of the Government to remedy this great defect.

HON. MR. MACFARLANE—I entirely sympathise with my hon. friend, as I always have done when we have had these repeated statements of the great suffering and loss to which our friends of Prince Edward Island are subjected, but he seems to forget what has taken place in the past. My recollection carries me back to 28 years ago, when the last serious accident, and a much more disastrous one than that which occurred recently, took place at the crossing of the straits. I remember when two men, young Hazard and a fine old English gentleman, were frozen to death on the boat, and two or three others were so mutilated and damaged that they were left wrecks. Yet that occurred long before Confederation, and I have no doubt that the people of Prince Edward Island felt that very keenly, and were anxious to make the service good, safe and efficient. Since then there has not been a disaster until recently. I do not know that there has been a loss of life in this late lamentable accident, but it is the only one which has occurred in crossing that strait in this long period of 28 years. Sufferings have doubtless been endured, and I have no doubt my hon. friend who has just addressed the Senate has been subjected to great inconvenience. Inconvenience will be experienced at times in spite of all that can be done by this Government or any other Administration for the purpose of establishing safe communication with Prince Edward Island. While this Dominion is bound to establish efficient service, and to do all that they possibly can to maintain open communication with Prince Edward Island, still when they have done their utmost difficulties will arise. The "Northern Light" was a step in advance. I am glad to hear my hon. friend doing full justice to it. While that vessel was not constructed as nautical men believe it should have been, she was a great improvement. She has done good work, and very safe and comfortable passages have been made in her. She probably was not constructed large enough to afford accommodation for the great quantity of freight and passengers crossing the straits; it is an indication, I am glad to say, that the Island is progressing rapidly. My hon. friend seems to forget that anything has been done; a very large sum of money has been expended in endeavoring to establish a fair and reasonable communication with the Island. I believe the Government are still expending a very considerable sum of money in improving the route by the capes, the only way, I believe, by which proper communication can be maintained. I have no doubt when that is done and the railway is completed on this side,—and I am glad to know that enterprising gentlemen in New Brunswick are pressing it forward to Cape Tormentine; and the Government are extending the line on the Island to Cape Traverse—they will add to the efficiency of the boats. The boats that were designed I think many years ago, it is admitted by the men who were engaged in the work, are boats that can scarcely be improved upon to-day. I believe those life-boats are as efficient for the service as any that could be made. It appears to be the opinion of those men, whose opinion my hon. friend has referred to to-day, that you can combine that steam service with the boat service, and I am sure the country will never be satisfied until an attempt is made in that direction. I have no doubt the Government have had difficulties in the past to deal with, but when the railways are constructed to the capes they will endeavor to establish steam communication with the boat service and do all that can be done. My hon. friend says, and very properly, that while the Government of the day entered into a hard contract to establish steam communication every day of the year, it was an impossible contract. They might as well have said they would take Prince Edward Island out of the sea and bring it up and join it to the mainland; it would be just as possible to do the one thing as the other; it is simply an impossibility. I am very glad the hon. gentleman has pressed this matter on the Gov-

ernment. It is his duty to do so. It is a duty which he has done effectually, and I am sure if the service is not properly performed it is not for want of any attention on the part of my hon friend. It is a service which ought to be and will be dealt with. The present means of communication imperil life and property. This is the case for only a few weeks of the year in the early Spring. The Autumn is not so bad, because the heavy ice has not been formed at that season. In the Winter the service could be carried on at those points I have mentioned. The hon. gentleman has done well in drawing the attention of the Government and this House to the subject, and nothing will give greater satisfaction to the whole country than to know that good and efficient communication, as far as possible, will be kept up with the Island.

HON. MR. HOWLAN—I regret that I was not present at the beginning of the debate, as I was engaged about Island affairs in another place. It is a humiliating position for the members of Prince Edward Island to find themselves in, every year pressing their views on this Parliament; but it is to this House that all the provinces must look, particularly the smaller ones; but from time to time when we have had to ask hon. gentlemen here to consider this question, we have felt, as my hon. friend who sat down a few moments ago has said, that we were trespassing on what might be called the good nature of Parliament.

HON. SIR ALEX. CAMPBELL—Not at all.

HON. MR. HOWLAN—I am led to that opinion not only from the remarks I have heard incidentally in this House, but also from expressions which have found vent in the press of the country. When Prince Edward Island accepted the terms of Confederation she did so loyally, and she has loyally borne her share of the public burden. The terms on which she entered the Union were distinct and marked, and if the question were asked—do the people of Prince Edward Island expect those terms to be carried out like Shylock's agreement, they would say, not at all. The best evidence that could be given that no such feeling is entertained is the fact that for twelve years we have memorialized Parliament and asked for Committees to investigate the subject, and have established beyond doubt in the mind of every intelligent man the great necessity that exists for making some alteration with regard to the means of Winter communication between the Island and the mainland. We were willing to submit the matter to gentlemen from the other provinces, so that it could be thoroughly and clearly understood. An investigation was had and a report was presented by the gentlemen of the Committee to the members from the Maritime provinces, and reported to the House. There was afterwards a memoral in 1883 on the same subject. I myself have called attention to the subject from time to time in this House, and explained what the Island required, and we were told that we had got a very good boat. I have frequently pointed out that that boat was never built or intended for the service; that it was a mere accident that the steamer was sent there; that she never was fitted for it. If any proof is wanted of the correctness of that statement it is to be found in the fact established this winter, and reported in one of the Island papers, with regard to the capability of the boat. Here is a description of a trip in the Northern Light by a gentleman well known in Prince Edward Island—

> At daybreak Tuesday morning all were astir, steam was got up and an attempt was made to force a passage through the solid field of ice, which was between seven and nine inches thick, and extended as far in every direction as the eye could reach. It was blowing a severe gale, freezing hard, and the drifting snow prevented seeing far ahead. Finding it too slow work to be battering at the ice with the stem of the boat the stern was tried, and, strange to say, she steadily proceeded stern first for between fifteen and eighteen miles at the rate of about two and a half miles an hour, being steered by the hoisting and lowering of the jib as she required.

Now, will any intelligent man tell me after that, that she is a good boat, or such a boat as the Government would say ought to carry out the terms of Confederation? Here is a fact, that after having battered the ice with the bow, she turns her tail to it and moves off at the rate of two and a half miles an hour!

HON. MR. BOTSFORD—Is that reliable ?

HON. MR HOWLAN—Yes it is reliable. Here is the man's name to it, and he gives the number of passengers on board. It is published in a paper supporting the Government of Prince Edward Island—the *Examiner*.

The passengers on board were Mr. A. A. Bartlett, St. John ; Miss Bartlett, St. John ; Mr. Bartlett, Boston ; Mr. F. Morrow, Washington, D.C ; Thomas Creighton, P. E. I. ; Mr. Gibbs, Australia ; Mr. Buchanan, P. E. I. ; George E. Mawley, Summerside ; Samuel Stumbles, Hong Kong ; Miss. Stewart, Georgetown ; Mr. McKenzie and N J. Campbell, Charlottetown.

Those are the names appended to this statement. That would indicate, at all events, that this boat was not sufficient for the purpose, and I would be very sorry if the leader of the Government stated it was not intended to put on another boat. If that was his statement I am very sorry to learn it ; it is not in accordance with the recommendation of the gentlemen who composed the Committees to which I have referred, or of the representatives of Prince Edward Island in either branch of Parliament. We did not expect until such time as the Government were clearly satisfied with regard to the course to be pursued in this matter that they would act, and we were content to wait. It is true there was a difference of opinion among the Island members themselves with regard to the proper course to be pursued, but that happily has passed away. The Government are building the railway to Cape Traverse in accordance with a portion of the recommendation contained in the report to which I have referred. The line from Cape Tormentine to Sackville, about 35 miles, in their judgment—I speak advisedly in the matter—should be owned by the Government, because it would give them sole control of the connection between the Prince Edward Island railway and the Intercolonial Railway. Then if the life-boat service was assumed by the Government, they would have supreme control. I ask is there not right and justice in this demand ? These terms were promised us at Confederation, and we have been asking from that time that they be fulfilled. We were told last year that the "Lansdowne" would take the place of the "Northern Light." The "Lansdowne" was very efficiently built, but for some reason I believe she is not able to assist the "Northern Light." Is this going to continue longer ? We would have been justified last year in saying to the Government : "We will not wait for that boat ; we want you to hire the 'Neptune,' of the Newfoundland sealing fleet, to assist the 'Northern Light ;'" but we did not do that ; we waited to see what would be done with the "Lansdowne." We know that the "Lansdowne" is being fitted out at Halifax to go to the Arctic next year, and she may not be able to perform the service next season ; therefore we say put an item in the Estimates to build a boat next year, and if she is not ready in time, hire a Newfoundland sealer and put her on the route. But on one point I wish to disabuse the minds of hon. gentlemen in this House. I saw, in connection with this subject, the other day letters from a leading gentleman standing high in the estimation of the people of the Maritime provinces, and also from gentlemen in the upper provinces, with regard to this service, and the general impression conveyed by them is that we have not done our duty as fully as we might in bringing this matter to the attention of the Government. All I can say, so far as my knowledge is concerned, is that we have done so. But we find an article in the *Mail* the other day commenting on those letters and stating that Prince Edward Island has been well treated because there has been a very large expenditure of money in the province, much more than she was perhaps fairly entitled to, and therefore she should be satisfied. Looking from that standpoint, and arguing from it, I say this is not a matter of money at all. It is a question which cannot be considered from a money standpoint ; but at the same time I do say that those statements, which I shall read in a few minutes, are totally incorrect from beginning to end, and, as a consequence, the impression is made on the minds of gentlemen that we are complaining without reason. I find in the *Mail* of the 9th instant, it is stated that we have received about $6,000,000 since we entered Confederation, and the items are given. The first one is "railways, $3,466,990. The man who put

down those figures, with all due deference to him, did not know what he was writing about, and he must have confused the figures very materially. The railways of Prince Edward Island cost about $3,125-000. When Prince Edward Island entered into the Dominion, she did so with a *pro rata* debt of $45 per head, $4,500,000. Out of that amount the railway was built. Had we never built the railway we would have had the money or the interest upon it. Therefore to put down the amount as having been expended since we entered Confederation is wholly inaccurate. So with regard to the next item, the expenditure for harbors, $580,077. There is nothing correct about that. He must have been gathering together all the sums of money spent on harbors in the Maritime provinces.

HON. MR. BOTSFORD—Hear! hear!

HON. MR. HOWLAN—That is the only way I can account for it. I do not know whether the hon. gentleman says "hear, hear," derisively or not?

HON. MR. BOTSFORD—Not at all.

HON. MR. HOWLAN—He must have taken those figures from the appropriations made for improvements of harbors in the three provinces altogether. We have another item, "Steamers for mail and passengers, $162,622." That item was put together in the same way. It is a fact well known to those conversant with Prince Edward Island affairs, that one of the terms of Union is, that the steam service for Summer and Winter shall be paid by the Dominion of Canada; but previous to our entering into Confederation the Prince Edward Island Steam Navigation Co. had a contract for the service for ten years. The sum given them for the whole of that service was $10,000 a year—$100,000 altogether. As a consequence there could not have been any such sum expended, and he must have taken the figures for all the steam service in the Maritime provinces. I mention this fact in case a wrong impression has been conveyed to the minds of hon. gentlemen by the statements published in the *Mail*. No such amounts have been expended in Prince Edward Island since she entered Confederation. The gentleman who compiled those statistics no doubt found some person laughing at them, and he undertook to repair the difficulty, but it was like the blind leading the blind. He says that the first statement was wholly inaccurate, and he goes to work to state what was spent in Prince Edward Island, and he too gets astray to the extent of about $3,000,000. That is the way that incorrect impressions are created, and why we are sometimes obliged to detain the House in making explanations. We find in Prince Edward Island, from one end of the country to the other, at public meetings, party feeling has been thrown aside, and the people have united to do something. The misfortunes of this winter have been pointed to on two or three occasions in this House. I have made thirty-one trips across that Gulf. I have been so fortunate as to have had but one hard one, and not so serious a trip as the one described the other day; but I say after my experience with the thirty-one trips, the service is no better now than it was in 1853, when I first crossed. Now, that is a disgrace to the Dominion of Canada, aside from terms or anything else. As far as the people of Prince Edward Island are concerned, as may be seen from the extracts I have read, it is not the people of Prince Edward Island alone who cross the straits; the great majority are people from the different provinces of Canada.

HON. MR. MONTGOMERY—Ten to one.

HON. MR. HOWLAN—Yes, and therefore it is not to be looked at from the standpoint of pounds, shillings and pence. I do say this, that until another steamer is built that will be suitable for the winter service between Georgetown and Pictou, a vessel of sufficient capacity as described in that report, and until tug boats are put on the straits, the people of Prince Edward Island will not be satisfied, and it is hardly to be expected that they should be. Therefore, now that the Government have been shown that there is ground for complaint in this matter, that there is an evil which can be remedied, and moreover that the people of Prince Edward Island have been patient and considerate in waiting twelve

years to have the terms of Union carried out, I do hope there will be no longer a penny wise and pound foolish policy pursued—that there will be no longer a reckoning of the cost, but that the matter will be dealt with in a generous and large-minded spirit, and that we representatives of Prince Edward Island will never feel it our duty to again discuss in this House a question which must be to the majority, who do not live in that province, entirely worn threadbare. I hope the Government will see their way clear to carry out the views expressed by the representatives of the Island, which I may say are the views of the whole people of the province. If that is not done there is no question that further action will be taken by those people. When we entered the Union, I, as a member of the Government, recommended those terms to the people. At that time I had left politics and become the collector of customs for the whole Island, at Charlottetown. I resigned my position and went out and fought the question, and, if necessary, may do so again, for as a public man I am bound by that record. The other two gentlemen who were delegates with me at the time are not now in public life. One of them, unfortunately—a great misfortune to us—has been deprived of his position as a public man by sickness. I say, nevertheless, the people of Prince Edward Island, although they wish to press this claim calmly, prudently and wisely, will not be satisfied until such an arrangement is made as will carry out the terms on which they entered the Confederation.

Hon. Mr. POWER—This subject has been brought before the House a great many times, as two or three hon. gentlemen have already said, and I think that my hon. friend who brought the matter before the House to-day has done so before. On no occasion has he brought the question before Parliament, except in the same way that he has to-day—in a statesmanlike and dignified manner. My hon. friend, as everyone who is acquainted with him knows, speaks only when he is familiar with the subject with which he deals—he speaks from a full mind. To-day he has spoken with more animation than he usually does, because he speaks with a full heart; and to-day for the first time I have seen my hon. friend evidently much moved, and he has good reason for it. I may say this for the hon. gentleman also, that I have taken the trouble to look at the report of the Committee to which he calls attention, and to read some of the evidence before that Committee, and there also was evidence of the faithful, painstaking interest of my hon. friend in this matter. There is a great deal of most valuable written evidence, chiefly from the hand of my hon. friend, in that report.

The terms of union of Prince Edward Island with the Dominion, as has been stated by two hon. gentlemen, contain the following provision:

> "Efficient steam service for the conveyance of mails and passengers to be established and maintained between the Island and the Dominion Winter and Summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion."

It is very true, as has been said by the hon. gentleman on my left (Mr. Macfarlane), that it is very difficult to carry out those terms; but I do not agree with him in thinking that it is impossible; and the attempt should not be given up, at any rate until it has been proved to be impossible. During the administration of Mr. Mackenzie, about the year 1876, a steamer called the "Northern Light" was put on to maintain mail communication throughout the whole Winter, between the Island and the mainland. It is well known that that steamer, although she was a great improvement on the ordinary steamers, was not successful in keeping up a continuous communication across the straits. The hon. gentleman—to whom reference has been made just now by my hon. friend from Alberton—who was for some time Minister of Marine and Fisheries, declared from his place in the House of Commons, in the Session of 1878, that the "Northern Light" was a complete failure—that she was a costly plaything, and was, practically, of no service. Other gentlemen in the House of Commons made similar statements, and statements of a like character were made here. Amongst others, by the way, I noticed, on looking at the report of the debate on this subject in the House of Commons in 1878, that my hon. friend from Niagara declared that the "Northern Light" had been a

complete failure, and that the Government should abandon the attempt to keep up the service by means of that vessel.

HON. MR. PLUMB—Hear ! hear !

HON. MR. POWER—I will give the hon. gentleman the quotation if he wants it. I am pleased, as one who supported the administration of Mr. Mackenzie, to hear to-day, after a lapse of seven years, the leader of the Government in this House declare that nothing better can be done than to keep up the service which was initiated by that administration—the service of the "Northern Light." I think no more thorough vindication of the policy of the Mackenzie Government could be had than that which we had from the Minister of Justice a few moments ago in his reply to the first inquiry of my hon. friend from Prince Edward Island. In 1878 it was claimed that more should be done by the Government; it was stated by several gentlemen that a continuous communication by way of the Capes should be maintained. Those gentlemen who found such fault with the Mackenzie administration, and who insisted that the means of communication between the Island and the mainland should be improved, came into power, and amongst others the gentleman who had found most fault with the "Northern Light" was placed in the position of Minister of Marine and Fisheries. Since then he has gone out of office, and another gentleman has taken his place. Five years elapsed, from 1878 to 1883, and no step whatever was taken by the Government to improve the mode of communication between Prince Edward Island and the mainland. In 1883 a Committee was appointed in the House of Commons. This was not, as I understand, the action of the Government, it was simply the result of the persistent agitation of the gentlemen who represented Prince Edward Island in the two Houses. They insisted session after session, and very properly insisted, that something should be done to satisfy their people, and a Committee was appointed in 1883. That Committee sat for a number of days. It took a great deal of evidence, and it made a report, to which the evidence is appended. The Committee reported that certain things should be done :—

"That instead of being let by contract to private individuals the service at the capes should be in the future a Government service.

2 That a larger number of boats, and an increased number of men be employed, sufficient to enable daily crossings to be made in both directions whenever crossing is practicable.

3 That boathouses be constructed on each side of the straits for protecting and repairing the boats, and for accommodating the men.

4 That stations for observation and signal service be adopted for the guidance of the boats while crossing.

5 That good sized row-boats be provided to assist or relieve the ice-boats in open water stretches.

6 Your Committee are also of opinion, from the evidence before them, that a small screw steamer could be used during a considerable portion of the winter in connection with the ice-boats, and could be safely docked in the borderice when not at work, and recommend the Government to take measures to test by actual experiment the feasibility of this project.

7. In reference to the summer communication, your Committee further recommend, that in connection with the railway to Cape Traverse and the branch now in course of construction on the mainland, piers should be constructed at both capes, and a steam ferry established for the conveyance of the mails and passengers in the summer season in accordance with the report of Mr. McLeod, civil engineer."

Then they go on to say that they find the Prince Edward Island Navigation Company's boats are not altogether what they ought to be. They have been running for some nineteen years, and something better should be expected. It will be seen that the Committee of the House of Commons, who were unanimous in the matter, did not agree with the Minister of Justice in thinking that nothing more could be done than had been done; and I call attention to the fact that, although that report was made two years ago, not a single one of the recommendations of the Committee has been complied with. I noticed that there was a disposition on the part of some hon. gentlemen to think that the claims of Prince Edward Island in this matter were somewhat ridiculous.

HON. MR. ALLAN—Not in this House.

HON. SIR ALEX. CAMPBELL—I do not remember anything of that kind.

HON. MR. POWER—That was the impression left on my mind. I could

understand, if we were administering the affairs of this country in a particularly economical manner, and if nothing of a very extravagant character had been done in the past, that there would be some reason for hesitating about the expenditure involved; but when we stop to think that another province containing only from 12,000 to 20,000 people was admitted into union with Canada two years before Prince Edward Island came in, and that this Dominion has been, I will not say almost bankrupted, but certainly has had her financial resources strained to the utmost, to enable us to establish communication by rail with that province; and when the gentlemen who are now in power have always insisted that they are in honor bound to keep on spending more money, and to spend it immediately, no matter in what quantities, so as to make that communication at the earliest possible date, it does not lie in the mouths of those gentlemen to say to Prince Edward Island, which contains six or seven times the population of British Columbia, that it is ridiculous to ask to have a communication established which would not cost one-fiftieth part of the cost of communication with British Columbia. The result has been that the people of Prince Edward Island feel that there has been a breach of the faith which was pledged to them at the time of the Union, and that feeling is made stronger when they see the immense expenditure that has been undertaken and which has actually taken place under this Government for the purpose of keeping the terms of Union with another Province, which they rightly think, is of no more value or consequence than their own. The natural result is that indicated by the hon. gentleman who brought this matter before the House, and which was also indicated in a somewhat less degree by the hon. gentleman from Alberton, that a feeling is gaining ground in Prince Edward Island—as it is in the other Maritime Provinces—that as far as they are concerned Confederation was a mistake, and that if they had to do the thing over again they would not enter into the Union; and in a little while, if this line of action is persisted in, the feeling of the people of Prince Edward Island will be that they must get out; and probably if they had made the same dire threats of secession that our friends in British Columbia made, they would have received more justice than they have experienced at the hand of the Government. Probably hon. gentlemen whose political views differ from mine, may say that I speak in this way simply because my political prejudices lead me to do so; but I can assure hon. gentlemen that that is not the case. I am not in the habit of bringing the opinions of ecclesiastical dignitaries before Parliament, but in order to show that people who do not sympathize with me politically, and who are deeply interested in the welfare of Prince Edward Island and the Lower Provinces generally, take the same view which I do, I shall read a few extracts from a letter recently published by His Grace the Archbishop of Halifax. I may mention that as far as I am aware, the political leanings of that gentleman in the past have not been the same as my own. Speaking of the disinclination of the Government to spend money in order to improve this communication at the capes, His Grace says:—

"Hence not even the beggarly allowance for a round trip is theirs. So wills the government that can spend thousands in inducing Huns and Goths, and Tartars, to come to Canada, but cannot spend hundreds to remunerate Canadians for necessary public services. The question of winter communication interests all the Maritime Provinces. It was the hope of improvement, in this regard, that gave the strongest impetus to confederation on the Island. The Dominion agreed to keep up 'continuous steam communication with the Mainland.' True, the 'Northern Light' has done some good; but no attempt has been made to improve on her—a thing which could easily be done. At the Capes, where the mails must cross for at least two or three months every winter, no attempt at improvement has been made. Things are as they were thirty years ago. The most fertile province of the Dominion is less cared for than the Hudson Bay Territory, or the wilds of the North-West.

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"In matters that affect the interest of these provinces, our representatives should be as one. It is the only way of successfully counteracting the policy that has denied a mile of railway to Cape Breton, whilst building hundreds of miles in the North-West. Both political parties forget these provinces, except in the matter of taxation. We have equal rights in that respect, but in none other."

Now, I think I have already referred to the fact, that we were likely to find this feeling in favor of a dissolution of the

Union growing in Prince Edward Island. I think myself that the feeling is beginning to grow in all the lower provinces, and I am disposed to believe that if a vote were taken in the three lower provinces on that question, separate from anything else, there would be a very considerable majority of the people in favor of severing the tie which binds us to the upper provinces.

HON. MR. BOTSFORD—No, not in New Brunswick, at all events.

HON. MR. POWER—I have given my opinion for what it is worth. The moral of that is that the government should not give the people of Prince Edward Island any reasonable ground for complaint. I think the government should immediately take the report of this Committee of the House of Commons under their consideration, and should make every reasonable and practicable effort to carry out the recommendations of the Committee. If they fail then, they will be in a position to say that the thing which the people asked for was impossible and impracticable. They are not now in that position, and those best qualified to know, those who gave their evidence before the Committee think it is practicable, and that daily communication should be established by way of the capes. There is just one other suggestion which I venture to submit to the leader of the Government in this House. Not long ago there was a good deal of dissatisfaction in British Columbia. The Government selected a gentleman whom we have the fortune to have in this House, and sent him out to British Columbia to arrange the difficulties with that province, and to soothe the irritated feelings of the British Columbians. That embassy I believe was entirely successful, or nearly so. We have heard very little dissatisfaction expressed since then. Of course, I notice in the public accounts, as one of the results of that journey I suppose, an item of more than $400,000 expended on the graving dock at Esquimalt, and there is a railway to be built on Vancouver Island. Now I think the best course that could be pursued by the friends of Prince Edward Island would be to induce the Government to send the same hon. gentleman down to Charlottetown, and I have no doubt that after spending a few weeks there he would find out just what is required, and would see that, at the next Session of Parliament at the latest, the wishes of the people of Prince Edward Island were carried out in every respect.

HON. MR. KAULBACH—I did not intend to take any part in this debate. I think we must all feel disposed to recognize the earnest efforts which are being made by the hon. member from Prince Edward Island to have this difficulty solved. I only regret that my hon. friend who has just sat down has not shown the same feeling. His motive seemed to be the severance of the Union. We know he has been an anti-confederate all his life, and now instead of endeavoring to bring us more into harmony with the Union, all his argument has been directed to the severance of the tie that binds the provinces together, to array class against class and section against section. I say that everything which the Maritime provinces have received from the Dominion of Canada has been from the Liberal Conservative party. My hon. friend knows that a gentleman from Halifax, who was a member of the other branch of Parliament during Mr. Mackenzie's administration, and a supporter of that government, was obliged to say that the Grit party had inch by inch and step by step opposed the Maritime provinces in every effort they had made to obtain their rights. My hon. friend knows well that the same gentleman was finally obliged to return to his home in Halifax disappointed by the hostility which the Grit party had shown to every concession made to the city and province which he represented. My hon. friend should be the last member of this Chamber to say that the Liberal Conservative party have not treated the Maritime provinces fairly. Who granted better terms to Nova Scotia? Who granted aid to railways in the Maritime provinces? We know well that no assistance came from the Grit party, but on the contrary we find day by day the *Globe* and other organs of that party asserting that the taxation is largely borne by the Province of Ontario, and that Nova Scotia is getting more than its share; that anything more that they can get must be by direct taxation of

their own people; that they need expect nothing from the Grits. That is the feeling we find existing everywhere in the party to which my hon. friend is allied. I am surprised that he should endeavor to excite feelings, antagonistic to the existence of the Union. I believe my hon. friend who has brought up this question is frank and honest. He was the first I believe in this House who spoke in the interests of Prince Edward Island with regard to the mail service, and he was as sincere and earnest, and as loud in his denunciation of the supineness of Mr. Mackenzie's administration during the five years they were in office, as he is now in censuring the present Government. During all that time he had grievances, and we know that the "Northern Light" was pronounced by the members from that Island as unfit for the service. There are members in this House to-day from the Island who believe that she is still unfit for the service, but I am glad to hear my hon. friend, who has moved in this matter, say to-day that under the management of the present government she has been brought into excellent condition and is quite efficient for the work. It shows that something has been done in the way of improvement. But besides that, has not the Government aided largely in the construction of boathouses for the protection of passengers and the travelling public at the straits and the extension of railways to the capes? Therefore, although there may be some suspicion of supineness on the part of the Government, yet they have done all they felt they could do, moving as they had to do against almost insuperable difficulties. The obstacles in the way are so serious that it is almost impossible to surmount them, and I doubt very much if a steam vessel could maintain the communication at all times. Probably on the day referred to a steam vessel might have found open water. The Government instead of leaving this service at the capes open to private competition should take it directly into their own hands. They have the mail service to manage, not only in the interests of the Island, but also in the interests of the Dominion. The Government should have perfect control and management of the communication between the Island and the mainland, and it should no longer be left, as I am surprised to hear it has been for the last twenty years, to private enterprise. Certainly there has been an improvement even in that direction, although my hon. friend alleges that no improvement has been made for thirty years. Whereas, formerly the mail crossed about once a week, it now crosses nearly every day—whenever it is possible to cross. My hon. friend from Prince Edward Island (Mr. Howlan), spoke of a paper called the Charlottetown *Examiner*, as being an authority, but that very paper told us some time ago that this accident which occurred—fortunately there has been no other accident like it for 29 or 30 years—was largely due to the conduct and neglect of those private parties who took charge of the passengers and the mails. That paper stated—and it is a matter which should be established by a public inquiry—that the boat started in the face of a violent north-east storm; that instead of starting early in the day it was late when they left the shore; that they went out without a compass, without an axe, without fuel, light or provisions on board. They got astray because they had no compass, and that was largely the cause of the disaster—bad judgment of the parties who had charge of the service. Therefore I say the Government should take control of it and put some one in charge capable of conducting the service properly. It should not be left to the chance of mismanagement by careless and irresponsible individuals, since life and property are imperiled. As I said before, I hope some improvement may yet be made. As regards the connection between Georgetown and Pictou, I think the Government will see in the spring of the year an extraordinary increase of traffic on the opening of navigation when the trade of the Island will be resumed after having been obstructed for weeks. There is always a rush at that season of the year of passengers and freight, and the "Northern Light" does not furnish sufficient accommodation in the early spring. The result is, that life and property are endangered by the over-crowding of the vessel, and the Government might, for a short time in the spring of every year, aid that service in the manner indicated by my hon. friend from Prince Edward Island, until such time as the trade diminishes to its normal

condition, when the "Northren Light" itself is sufficient for the service. I do not think that my hon. friend, the Minister of Justice expressed the opinion that that would not be done, but that he said the subject had not been specifically referred to by my hon. friend from Prince Edward Island, and he was not, therefore, prepared to answer that portion of the question. I think we should all be thankful —I, as a Nova Scotian am—to my hon. friend who has moved in this matter, because we all feel interested in maintaining the communication with the Island. It is our duty here to see not only that the mails are properly carried, but that lives are not endangered. My hon. friend beside me (Mr. Power) referred to His Grace the Archbishop of Nova Scotia, a gentleman for whom I have the highest esteem and respect, but I think his letter is rather extravagant in language, and the only solution which His Grace evidently thinks of for the difficulty, which would otherwise be insurmountable, is to build a tunnel under the straits.

HON. MR. POWER—Oh, no!

HON. MR. KAULBACH—He suggests the construction of a tunnel from Prince Edward Island to the Mainland, and I believe we shall never have close and continuous communication with the Island unless something like that is done. Of course such a scheme is chimerical in view of the financial condition of the Dominion. While I have the greatest respect for the hon. member from Halifax, and think he has furnished good arguments in support of the claims of the representatives of Prince Edward Island, I cannot help saying that I think a portion of his remarks had a tendency to mar that harmony which should prevail amongst the members of this Confederation. He has failed to interpret correctly the feeling of the people in the Maritime provinces on the question of continuing the Union. He must be wilfully blind if he cannot perceive that the hostility to Confederation which once existed has almost passed away, and that there has been a corresponding growth of public sentiment in favor of the Union.

HON. MR. GOWAN—I have listened with a great deal of interest to this debate. I know nothing of the facts and circumstances, nothing of the history of the past —nothing beyond what I have heard here this evening, but I must say that the arguments used and the facts stated, to my mind, make out a very strong and powerful case—that is if the facts are as alleged, and I have not heard them contradicted. The right and the duty of the Government to maintain the service is admitted, and surely the resources of science are not exhausted. I quite agree with the remark which was made by the hon. gentleman who spoke last but one, that it is not a question of money, that it is really a question of duty if the facts be as stated. The weaker provinces naturally and properly look to this Senate to aid in securing them their just rights, and perhaps it is one of the best features in the Constitution that they can do so, that they have such a body to appeal to. This idea, I think it is reasonable to suppose, was in the minds of the framers of the Constitution. I do hope and trust that the Government will give the case their best consideration, that they will employ the best talent in the Department to ascertain whether anything can be done, and if they find that it is possible, by any expenditure, to accomplish what forms part of the compact on the admission of this province into the great Confederation, that it will be done. It seems to one who is not versed in these matters, a strange thing that the fulfilment of that condition should be delayed so long. I may be wrong, and I make these remarks with great diffidence, because I know little on the subject, but having heard nothing to convince me, I cannot think, as I said before, that the resources of science have been exhausted in determining whether this service is practicable or not. I do not understand the compact as requiring the general government to maintain, every day of the year and at all times, a communication. That would be an unreasonable construction of the agreement, a construction that no sane or honest man would contend for, but they are entitled to the best accommodation that can be furnished under the circumstances. I hope I have not spoken unduly on a matter as to which I have very little information. I repeat, the only information I have is what has been presented here, and my

conclusions are entirely adduced from what I have listened to with attention from the beginning to the close of this debate. What the hon. gentleman opposite me, and the representatives of Prince Edward Island have said, very strongly commends itself to my mind, and if not fairly met, I think it makes out an unanswerable case.

HON. SIR ALEX. CAMPBELL—My hon. friend from Prince Edward Island who introduced this subject to the notice of the House has, I think, just ground for complaint—ground for complaint, I am sorry to think, perhaps against myself, although really, as he has almost admitted, I am not responsible for the non-execution of the measures which, from time to time, I have been authorized by the Government to promise in this House. I remember quite distinctly the undertaking which I gave that the boathouses should be constructed, one on each side of the ferry. I made that promise with the authority of the then Minister of Marine and Fisheries, and as is my constant practice, the very day the promise was made I wrote to the Minister of Marine and Fisheries that pursuant to what he had told me I made the promise, and that I hoped he would keep it in mind. I afterwards called attention to it, and there were reasons which were more or less sound—I can hardly say sound—which made the delay more or less excusable. It was thought for a time that the orders had been given, and that the boathouses were in course of construction. When that was ascertained not to be the case, it was thought better that the boathouses should not be built until the railway communication was established and the exact places where the branch lines should terminate on each side were fixed. On the main shore it has not yet been exactly determined where the railway is to terminate, and these are the reasons for the non-performance of the promise I made on behalf of the Government. The hon. gentleman made out a very strong case for the necessity of boathouses. It seemed to me that it would be a great advantage to have them constructed, and that they would afford necessary protection for the boats. One can readily understand that boats intended for such a service should be kept in a way that is incompatible with their being allowed to remain on the ice upside down. Whether the excuse I have given is sufficient or not it is for the House to say, but there is some reason in the assertion that until the exact terminus of the railway on this side is fixed it would be difficult to locate the best position for the boathouse. On the Island side the boathouse, so soon as the railway came down to the shore, was commenced and a certain degree of progress has been made. The hon. gentleman from Prince Edward Island who introduced the subject says he saw the men working at the boathouse with the thermometer several degrees below zero. That may be a stupid thing to do, or it may show the zeal with which the work is being presecuted—that having neglected it a very long time the officers, at all events, were very eager to repair their previous neglect, and to commence the work even in the face of that serious difficuly.

HON. MR. POWER—They commenced just before the session.

HON. SIR ALEX. CAMPBELL—That is an ingenious suggestion, but I do not think it is one that occurred to the officers down there It seems to me that the pith of the recommendations made by the Committee of the other House, to which my hon. friend who introduced the subject has made frequent reference, consists in their suggestion that the service between the two capes should be taken out of the hands of the Post Office Department and out of the hands of the contractors, and made a Government service. I have no doubt if that was done there would be a very great improvement. But I think hon. gentlemen do not do the Government quite credit enough when they say that nothing has been done all these years. It is something, certainly, to have constructed the 12 miles of railway which connect the Prince Edward Island line with Cape Traverse. It is something also to have aided in the construction of the 37 miles of railway which connect the Intercolonial Railway with Cape Tormentine.

HON. MR. BOTSFORD—The Dominion Government grant no subsidy for that.

HON. SIR ALEX. CAMPBELL—It is a local subsidy—I thought it had been a

Dominion subsidy. That portion on the Island, at all events, has been built by the Government, and with the aid of the Province of New Brunswick communication between the Intercolonial Railway and Cape Tormentine is being secured, and the work has made such progress that I believe there is every reason to anticipate that during the course of the coming summer it will be completed, and then, at all events, we shall have communication between Prince Edward Island and the rest of the world, wanting only this ferry across the straits to be made perfect.

Now, with reference, in the first place, to the whole service, it seems to be undoubtedly admitted by my hon. friend who introduced the subject, and by the Committee of the Lower House who report the same thing without contradiction; and it appears to be the opinion of the Archbishop of Halifax, and of the public generally, that the service cannot be carried on all days of the year by means of steamboats; that there is a certain period of the winter when communication across the straits by means of a steamer is an impossibility. That period seems to vary from 30 to 60 days.

HON. MR. HOWLAN—About 40 days.

HON. SIR ALEX. CAMPBELL—My hon. friend says 40 days. During that period, no matter how strong the boat may be, or how different from the "Northern Light" in construction, we could not expect to perform that service. What steamer could force her way through ice 10, 11 or 12 feet thick? It may be that the ice is not of so obstructive a character between Capes Tormentine and Traverse, and the service, as far as the steamer is concerned, has been performed with certain efficiency during the time that service could be performed, but there is a time that the steamboat could not run, and the recommendation of the committee of the other branch of the Legislature refers more particularly to that period, and with reference to that period they recommend that certain steps should be taken; that the work should be taken out of the hands of contractors and of those boatmen who have no responsibility, and who do not, as the hon. gentleman from Lunenburg has remarked, take the ordinary precaution of putting provisions, compass, or tools, or tent, or anything on board of the vessel—to take it out of the hands of such persons, and put it in the hands of the Government and hold them responsible for it. That was the first recommendation of the committee. As to the third recommendation, that boathouses be constructed on each side of the straits for protecting and repairing the boats, and for accommodating men, the Department has informed me that the moment the terminus was fixed on the mainland for the railway to Cape Tormentine, the boathouse would be built there, and I trust that the Department will deal more vigorously and quickly in fulfiling the promises I now make for them through my mouth than has been done on former occasions. With reference to the service across, the Government have determined to take it out of the hands of the contractors and make it a governmental service. The memorandum which I have from the Department states that it is also proposed to transfer the winter boat service between the Capes Traverse and Tormentine from the Post Office Department to the Marine Department, and it will after this winter manage this service, and a steamer will probably be placed there to assist passengers and mails to cross between the bord ice. An officer of the Marine Department will be directed to make observations as to what will be required to render the crossing at the capes efficient. Now, I think if that is done that the service, so far as it is possible under the physical conditions that exist, will be made as efficient as it can be made under those circumstances. In the first place while the boat can run, the "Northern Light," that seems to be a good fair boat for the service, and if not the "Northern Light," some other boat will do the duty. I think my hon. friend, under the circumstances I have mentioned, will find that there is some excuse for the non-completion of the boathouse before now. I hope my hon. friend will find in that some assurance on the part of the Government that we are disposed to do all in our power to carry out what we admit to be the pledge that was given to Prince Edward Island, and so far from there being any disposition on our part to do as the hon. gentleman from Halifax

seemed to think some one of us had done, to treat it in a light spirit, we desire to treat it as we ought to treat it, with a sense of our duty to the country, and as we ought to treat it—as a very serious and important service to be executed to the best of our ability, and with such appliances as we can put there in order to carry out the spirit of the terms upon which Prince Edward Island joined her fortunes to ours; and in spite of the observations of the hon. gentleman from Halifax, I trust the general feeling of the Maritime provinces is with ours, that this union will long be maintained.

HON. MR. HAYTHORNE—I think it is my privilege on this occasion to offer a few explanatory remarks, but I am not aware that anybody who has followed me in this debate controverted, or to any considerable extent disagreed with my remarks. It is, of course, satisfactory to a certain extent to hear the statement that has just fallen from the Minister of Justice. I only trust that this statement will be literally fulfilled. That is the difficulty. Our apprehension is, that when this session is over, the Ministers have dispersed, some to British Columbia, some to Britain, some, perhaps, to the beautiful cool rivers of New Brunswick, that these important matters which are now spoken of so confidently will be once more forgotten. I therefore hope that the hon. Minister who has just spoken will make it part of his duty this year to see that the proper appropriations are made for this contemplated service, for we all know that that is the first and most necessary step of all. I wish to make an observation or two which I intended to make before, as a reason why this service is attended with greater danger now than it was formerly. My hon. friend from Nova Scotia who followed me in the debate, alluded to the fact that some twenty-five years have elapsed since an accident has occurred there. Let me explain to the House the reason of this immunity from accident for so many years. In the first place, up to the time of Confederation the traffic there, as it is stated by one of the witnesses before the Committee, Mr. Arthur Irving, was very small indeed. About once a fortnight there was a heavy mail, and two boats were taken then, but in the usual course one boat sufficed for the traffic. Once a fortnight when the English mail was sent to Halifax two boats were required, but things have altered materially in this respect.

Since Confederation there have arisen several classes of persons who are compelled to cross the straits every winter who did not cross before. I refer to members of Parliament, witnesses who are called upon to give evidence before Parliament, common employes connected with Parliament and the Civil Service; lawyers who have business with the Supreme Court, those make a numerous and important class of passengers who are altogether outside and beyond the classes that traffic used to comprise. Then there is the commercial class. During the period before Confederation the business of Prince Edward Island was principally done with Great Britain. That is all altered now, and the business that was formerly done with Britain in manufactured goods, is now, to a great extent, done with Montreal, and in consequence the course of trade is changed and the bulk of the mails and the number of passengers is increased. Those boats are constantly thronged, particularly in the spring and early winter, with commercial travellers and their heavy sample chests, which are exceedingly dangerous to carry in a small boat with passengers; and that is one point on which the improved system will operate to advantage—because the Government officer in charge will be responsible, if he allows dangerously large or heavy trunks to be carried; neither ought he to allow a boat to proceed on its passage without being properly equipped, and satisfying himself that the luggage of the passengers is not heavier than can be safely carried. One word as to the delay in building the boat-house at Cape Tormentine. I would regret that any delay should occur, for this reason, that should there be any delay as to where the terminus will be it would be a comparatively easy matter to move the boathouse even for half a mile if necessary; but the reason that it should be built now is that a large number of the crews come from the Island side, and it is stated in evidence that when detained on the Tormentine side they often spend the whole of their earnings in board-bills. Now, the existence of this boathouse at

the present time at Cape Tormentine would be of the greatest advantage to those men, and I do think their case is worthy of attention. They go through a great deal of hard labor, a great deal of risk, and up to the present they have been inadequately paid, and these boathouses would be a great service to them, as they would find accommodation in them. I am quite conscious of the fact that this cannot be an interesting subject to many hon. gentlemen, who have no particular interest in the Maritime provinces; but all must feel that it is a question that it is necessary to bring before Parliament in the interests of a province with whom faith has not hitherto been kept by the Dominion.

THE DAVIS DIVORCE BILL.

SECOND READING.

The Order of the Day having been called, further consideration of motion for second reading (Bill C.) for the relief of Amanda Esther Davis, and that the petitioner do attend at the bar, and be heard by counsel,

HON. MR. READ (in the absence of Mr. Ogilvie) moved:

That the examination of the petitioner in this matter, Amanda Esther Davis, being in attendance at the Bar of the Senate, and ready to be examined, her examination in this matter as well generally as in regard to any collusion or connivance between the parties, be for the present dispensed with, and that it be an instruction to any Committee to whom the Bill upon the subject may be referred to make such examination.

HON. SIR ALEX. CAMPBELL—The words "to obtain such separation" are again omitted in this motion, I suppose accidentally. I drew attention to the fact when this Bill and the other Bills for divorce were here before, and I am at a loss to understand why the words "to obtain such separation" are not used when the rule requires it. I hope the Clerk will now add those words. I desire to draw the attention of the House to a point of practice in which I think a change could be made which would be advantageous. The motion before the House reads, "the person being in attendance at the Bar of the Senate, and ready to be examined," &c. It so happened in looking into another matter recently I found this to be the practice in England: the Speaker having been informed by the Clerk that a certain person was in attendance at the Bar for examination, the Speaker asked the House to dispense with the attendance, and instead of it appearing in the unsatisfactory way that it is in this motion, "the petitioner being in attendance at the Bar of the Senate and ready to be examined," which is ungrammatical, it would better appear in the minutes that "the Speaker having informed the House that the petitioner is in attendance below the Bar ready to be examined, it was moved by so and so, that all examinations in this matter, as well generally as in regard to any collusion or connivance between the parties in order to procure the separation, be for the present dispensed with, and that it be an instruction to any committee to whom the Bill on the subject be referred to make such examination."

THE SPEAKER—Does the hon. gentleman propose that it should be so entered without an amendment to the rules of the House?

HON. SIR ALEX. CAMPBELL—No; I think that would be a change in the rules that it would be for the House to make.

The motion was agreed to on a division.

HON. MR. READ moved the second reading of the Bill.

The motion was agreed to and the Bill was read the second time.

HON. MR. READ moved:

That the said Bill be referred to a Select Committee composed of the Honorable Messieurs Dickey, Ogilvie, McKay, Carvell, Leonard, Archibald, Ferguson, Kaulbach and Grant, to report thereon with all convenient speed, with power to send for persons, papers and records, and to examine witnesses on oath, and that the exemplification of the proceedings to final judgment in the Superior Court of Lower Canada, now the Province of Quebec, in the cases of Davis *vs.* DeSola, presented to the Senate on the Second reading of the Petition of Dame Amanda Esther Davis, be referred to the said Committee, and that all persons summoned to appear before the Senate in this matter appear before the said

Committee, and that the said Committee have leave to sit on Saturdays and other non-sitting days.

THE SPEAKER—There is another matter to which I wish to direct the attention of the Senate: it is the manner in which some of those papers are placed in the hands of the House. Some of them are almost illegible, and I think the counsel in charge of those proceedings should be taught that it is not respectful to this House to send in their papers in such shape.

HON. MR. KAULBACH—With the permission of the House, I would ask the mover of this resolution to substitute the name of some other member for mine on that committee. It is likely that I shall be on two or three of those divorce committees—I shall be on one committee at least, as I am to move in the matter, and if this is a protracted case it might not be got through before the end of the session if the same members are to serve on several committees. As the Hon. Mr. Dickey is on this committee, they will have the advantage of his experience as a lawyer.

HON. SIR ALEX. CAMPBELL—I hope my hon. friend will not persist in asking to be excused from serving on this committee. He is in the prime and vigor of life, and if anybody in this House can afford to serve on two or three committees it is the hon. gentleman. There will be five or six of those committees this session, and though my hon. friend may have charge of another committee, he is quite able to cope with two or three.

The motion was agreed to on a division.

THE SPEAKER—Before proceeding to the next order of the day, I would like to ask hon. gentlemen who have charge of those bills to be good enough to request the counsel who are conducting these proceedings to send their papers properly engrossed to the House or they run the risk of having them thrown out.

HON. SIR ALEX. CAMPBELL—I hope hon. gentlemen will attend to this matter, and if the counsel do not comply with their request that the Speaker will, on some occasion when the rule has been flagrantly violated, have the papers rejected.

HON. MR. GOWAN—It has been a matter of frequent occurrence in courts of law to reject papers submitted by counsel when they were not fairly written.

HON. MR. READ—I am glad to have an opportunity of hearing lawyers complain of each others writing.

THE PRINTING OF PARLIAMENT.

SECOND REPORT ADOPTED.

HON. MR. READ moved the adoption of the second report of the Joint Committee of both Houses on the printing of Parliament. He said: When this report was up on the previous occasion, at the request of the leader of the House, it was laid over until it was adopted by the House of Commons. Since then it has been adopted in the other branch of the Legislature, and I now move that the report be adopted here.

The motion was agreed to.

The Senate adjourned at 6 o'clock p.m.

THE SENATE

Ottawa, Wednesday, February 25th, 1885.

The SPEAKER took the Chair at three o'clock

Prayers and routine proceedings.

THE DAVIS DIVORCE CASE.

FIRST REPORT OF THE SELECT COMMITTEE.

HON. MR. DICKEY, from the Select Committee to whom was referred Bill (C), "An Act for the relief of Amanda Esther Davis," presented their first report. He said—The object of this report is to obtain an accurate record of the proceedings of the committee, as has been the practice on former occasions, by having the evidence taken in shorthand. As the committee have decided to expedite the business,

they ask to be permitted to employ a shorthand writer, and as they desire to meet to-morrow, I hope the House will have no objection in adopting the report presently. I therefore move the adoption of the roport.

The motion was agreed to on a division.

THE NORTH SHORE RAILWAY.

MOTION FOR RETURN.

HON. MR. TRUDEL moved:

"That an humble address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House all correspondence had since the 1st January, 1884, between the Government of Canada and the Government of the Province of Quebec concerning all sums of money granted by the Government of Canada to the Province of Quebec, and all claims of the Province of Quebec, by way of indemnity on account of the construction of the North Shore Railway, heretofore called the Quebec, Montreal, Ottawa and Occidental Railway, together with a copy of all memorials presented to the Federal Government during the same period by the Government of Quebec respecting all claims or demands of indemnity for the same cause."

The motion was agreed to.

A PERSONAL EXPLANATION.

HON. MR. ALEXANDER—Before the orders of the day are called I claim the permission of the House to offer one or two observations on a personal matter. Very loud complaints have been made by certain members of the press that within the last few days on coming to this side of the building in discharge of their duty as journalists, they have been ordered out of the corridors of the Senate. The policeman who is there placed on duty had received orders from the Government or from some one—

HON. MR. DICKEY—I have no disposition to interefere with an hon. member who offers a personal explanation, but I think this is purely a domestic matter—a matter connected with the internal arrangements of the House, and therefore it is not a subject which it is usual to discuss in public.

THE SPEAKER—The hon. member would have a right, I think, either with the doors open or with the doors closed, to bring up a personal matter relating to himself, but I cannot see how it can be considered a personal matter to bring up the grievances of outside parties.

HON. MR. ALEXANDER—I then, upon another matter, claim permission of the House to make one or two observations. In another quarter I considered it my duty to make a complaint that within the last week the messengers of our House, who are very few in number to discharge the duty of messengers, have not been available for that duty, and members have not been able to obtain messengers. On making inquiry I found that two or three of the messengers out of the four who are employed in this House have been compelled to act as policemen in the corridors. I have gone into my committee room to engage in matters of deep public interest, and have rung my bell for half an hour before it was answered. I then sent for Mr. Dunne, our efficient chief messenger, and asked him the cause, and he replied that the demands on the messengers were such—two or three being required to act as policemen—that there were not messengers enough to attend to the other duties of the House. I simply ask if the Government of the country are demented?

HON. SIR ALEX. CAMPBELL—Somebody is, certainly.

HON. MR. ALEXANDER.—Are they suffering from frenzy, or what is the matter? Do they mean to say when they are throwing millions of dollars into the Rocky Mountains that we cannot have enough messengers for the use of members? Do the Government say when they want policemen for the safety of the Parliament buildings, that they cannot employ other parties for that purpose? When I brought the matter before the Contingent Committee the hon. gentleman sneered at my suggestion. Are we, the members of the Upper Chamber, to come here and—

HON. SIR ALEX. CAMPBELL.—I do not think that this is a personal matter either. If the hon. gentleman has any motion to make, or has any proceedings

he wishes to ask the House to take, he should do so by giving notice of motion, or a demand for papers; but he has no right to break out into an attack on the Government, and ask questions which we have no opportunity to answer, under cover of a personal explanation.

THE SPEAKER.—The House is ready on all occasions to indulge an hon. member in making a personal explanation, but I do not think that a member has a right to trespass on the indulgence of the House to bring up matters entirely foreign to the question under explanation. If there is any fault to be found with the employment of messengers the first place to bring up the question is before the Contingent Accounts Committee, and then, if necessary, before this House by notice of motion.

HON. MR. ALEXANDER.—Then I will refrain from making any remarks such as I ought to make, and I will simply ask the Government if we are to be told that we can do without messengers?

HON. SIR ALEX. CAMPBELL—The hon. gentleman has just been told that he has no right to make such speeches, and that he is out of order.

HON. MR. ALEXANDER—Then we might just as well leave the Chamber and go home.

THE COX DIVORCE BILL.

FIRST READING.

HON. MR. READ introduced a Bill for the relief of George Branford Cox.

The Bill was read the first time.

HON. MR. READ moved:

That the said Bill be read a second time on Thursday the twelfth day of March next, and that notice thereof be affixed on the doors of this House, and the Senators summoned; and that the said George Branford Cox may be heard by his counsel at the second reading to make out the truth of the allegations of the said Bill, and that Emily Cox may have a copy of the said Bill, and that notice be given to her of the said second reading, or sufficient proof adduced of the impossibility of so doing, and that she be at liberty to be heard by counsel what she may have to offer against the said Bill, at the same time; that the said George Branford Cox do attend this House on the said twelfth day of March next, in order to his being examined on the second reading of the said Bill, if the House shall think fit, whether there has or has not been any collusion directly or indirectly on his part relative to any act of adultery that may have been committed by his wife, or whether there be any collusion, directly or indirectly, between him and his wife, or any other person or persons, touching the said Bill of Divorce, or touching any action at law which may have been brought by him against any person for criminal conversation with her, the said wife of the said George Branford Cox, and also whether at the time of the adultery of which he complains she was by deed or otherwise by his consent living separately and apart from and released by him, as far as in him lay, from her conjugal duty, or whether she was at the time of such adultery cohabiting with him, and under the protection and authority of him as her husband.

HON. SIR ALEX. CAMPBELL—The hon. gentleman has again left out the words to which I have called attention several times—that this collusion or connivance is for the purpose of procuring a divorce, and as I listened to the reading of the motion those words are not in. The words are distinctly called for by the rule of the House. I would ask the Clerk to insert the words omitted from the motion, at the table.

The motion as amended was agreed to on a division.

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

AN EXPLANATION.

HON. SIR ALEX. CAMPBELL—Before the orders of the day are called, I desire to complete the explanation which I offered to the House yesterday in answer to the question put to me by the hon. gentleman from Prince Edward Island in reference to the steamer "Northern Light." That question was that he would call the attention of this House to the insufficiency of the steamship "Northern Light" for the performance of the mail and passenger service between Georgetown and Pictou, more particularly in early spring, etc. The words "particularly in the early spring" I thought referred to the increased danger of the navigation of the straits during

that period, but the hon. gentleman pointed out in the course of his remarks that what he referred to was the unusual influx of passengers in the early spring, by which the boat was overcrowded. I took occasion to ask the Minister of Marine and Fisheries for information on this subject, and I ascertained from that gentleman that the greatest number of passengers known to have been on the "Northern Light" at one passage, as reported by one of her officers who has been on that service for some years, is between 80 and 90; and Mr. Smith, the Deputy Minister, feels quite confident that the "Northern Light" is capable of carrying 300 to 400 passengers. No whisper of the steamer being unsafe from overcrowding has ever before reached the Department.

HON. MR. HAYTHORNE—What I stated yesterday, I stated from my own personal observation, and I could support that statement by the evidence of my hon. friend opposite (Mr. Howlan), who was on the vessel at the same time, and I say most advisedly that a seat on board the ship at that time was difficult to be had, and that I myself stood on my feet most of that voyage, and only sat down when some civil person, out of compliment to my grey hairs, rose and offered me a seat.

HON. SIR ALEX. CAMPBELL—That is frequently the case, that there is no seat to be had, but that was not the question of the hon. gentleman.

HON. MR. HAYTHORNE—The question I put to the hon. gentleman was, could the ship be trusted out in a gulf that is encumbered with ice in the early spring in stormy weather, when crowded with passengers without accommodation? Could that be by any possibility a safe means of transport? My object is bringing the matter forward was to prevent the occurrence of a terrible disaster, which if it did occur the Government might plead ignorance of the condition of the service, and that they were not warned. They are warned now, and if they choose to let this matter remain as it has hitherto been, and if the vessel is allowed to go out with such a crowd of passengers as I happened to see on board of her last spring, and an accident happens, the public will hold the Government responsible for it, as they have been warned of the danger.

HON. SIR ALEX. CAMPBELL—I have travelled on the very best boats on this continent at times, and have been unable to get a seat. I have travelled on the boats on the Fall River line of steamers, perhaps the best boats in the world, and have been unable to obtain a seat. I have experienced the same difficulty on our own boats on Lake Ontario, and on the steamers on the Rhine; yet they were not considered unsafe on that account. It is not the duty of the owners of a ship to provide seats for all the passengers on deck, or in any part of the steamer, nor does it follow that the vessel is unsafe or unseaworthy for want of seats. What would make a vessel inefficient for the performance of the mail and passenger service between Georgetown and Pictou would be if it were unsafe or unseaworthy; but the fact that half a dozen or twenty gentlemen could not obtain seats during the voyage does not affect the safety of the vessel in in crossing the straits.

HON. MR. HAYTHORNE—The hon. gentleman does not seem to remember that the vessels which he has alluded to on the lakes of Ontario or on the Rhine, or the Fall River Line have not to contend with vast fields of ice, and I would ask any hon. gentleman of plain common sense whether a crowd of passengers without seats on the deck of a vessel could be safely kept there while she is rolling and forcing her way through a field of ice in a storm?

HON. SIR ALEX. CAMPBELL—They could go down into the cabin.

HON. MR. HOWLAN—There must be some mistake on the part of the Duputy Minister of Marine, for the vessel is totally unfit to carry passengers. I can speak from my own knowledge of that fact. There is no accommodation for passengers, and if you take me as a passenger on that boat, and keep me out of doors all night, I must have some accommodation; I cannot sleep on the main deck or in the forechains.

HON. SIR ALEX. CAMPBELL—That is not the point.

HON. MR. HOWLAN—That is the point, that if the Department makes a statement that the "Northern Light" has accommodations for 300 passengers it is not in accordance with the facts.

HON. SIR ALEX. CAMPBELL—The point raised by the hon. gentleman opposite (Mr. Haythorne), is whether the ship, by reason of the number of passengers it carries, is made unseaworthy. Nobody pretends that the vessel has accommodation for 300 or 400 passengers. Nobody suggests that for a moment. What is stated is that she is not rendered unsafe by having 80 passengers on board; that on the contrary, she is able to carry three or four hundred without danger—not that she has cabin accommodation for them, but that they would not make her unseaworthy.

OFFENCES AGAINST THE PERSON BILL.

IN COMMITTEE.

Pursuant to the order of the day, the House resolved itself into a Committee of the Whole on Bill (F), "An Act further to amend an Act intituled 'An Act respecting offences against the person.'"

HON. MR. BOTSFORD from the Committee, reported the Bill with amendments, which were concurred in.

BILL INTRODUCED.

Bill (26), An Act to provide for the appointment of a Deputy Speaker of the House of Commons." (Sir Alex. Campbell.)

The Senate adjourned at 4,15 p.m.

THE SENATE.

Ottawa, Thursday February 26th, 1885.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

JUDGE RIGBY.

PETITION PRESENTED AND WITHDRAWN

HON. MR. ALMON presented the petition of Lewis P. Fairbanks, of Dartmouth, in the County of Halifax, N. S., praying that the Senate be pleased to direct that proceedings be at once taken to investigate certain charges made against the Hon. Samuel G. Rigby, one of Her Majesty's Justices of the Supreme Court of the Province of Nova Scotia, "so that "the same may be established by proof, "to the end that the said Samuel G. Rigby "shall be deprived of all pay and allow- "ances and dismissed from his office as a "Judge of the Supreme Court of Nova "Scotia, and that the said Samuel G. "Rigby may be ordered and obliged to "make amends to your petitioner by the "payment of proper damages for the "losses sustained by and through his mis- "conduct, and that right and justice may "otherwise be done in the premises."

He said: In presenting this petition I beg to say that I am not at all responsible for the charges made by the petitioner. I have no personal knowledge of them, neither am I lawyer enough to know, if the charges were true, that they would justify this grave action which Mr. Fairbanks asks the Senate to take. But as I deem it the right of the humblest individual in the land to petition this House, as long as his petition is couched in proper language, I am willing to present it. I even present petitions in favor of the Scott Act.

HON. SIR ALEX. CAMPBELL—The petition which my hon. friend has just presented makes certain charges which were communicated to me some time since, and I have had communication with the judge whose name is mentioned. I came to the conclusion without doubt, difficulty or hesitation, that there was nothing in the facts alleged—in short, that they are not facts. It is for my hon. friend to say whether he thinks proper to put such a petition on record or not.

HON. MR. ALMON—After what has fallen from my hon. friend, the Minister of Justice, I beg leave to withdraw the petition

The petition was accordingly withdrawn.

THE REVENUE FROM THE LIQUOR TRADE.

MOTION.

HON. MR. PLUMB moved

That an humble address be presented to His Exellency the Governor General, praying that he will be pleased to order a Return to this House of the amounts of revenue received from duties or excise on wine, beer and spirits for the year ending 31st December, 1884.

He said: It is hardly necessary, I think, that any remarks should be made on the subject. It is difficult to get the information for which I ask from the Public Accounts or from any records that we have, and in view of the movement which is being made in the country to abolish the liquor traffic, we certainly ought to look in the face the position we may be in with regard to the public revenue. If the wishes of those who are petitioning the House, and of those who support them are carried out the country is likely to lose a large amount of revenue. That must be supplemented in some way. If it comes to be made up by increasing the tariff, of course it will fall unequally on the public. The fair way would seem to be to adopt some system, perhaps, of direct taxation; but as that has been found, as far as I know anything about it where it has been applied in the United States (and particularly in one of the States with which I have been the most familiar) to fall more heavily on the farming interest in proportion to the amount raised than upon any other interest, I have moved for these returns with the idea of having the community at large fairly aware of what will be the position of the country if the movement which is now going on should succeed, as it might, in largely reducing the revenue.

HON. SIR ALEX. CAMPBELL—There is no objection to the address.

The motion was agreed to.

PROCEDURE IN DIVORCE CASES.

A CHANGE ADOPTED.

THE SPEAKER—Before proceeding to the order of the day, I wish to call the attention of hon. gentlemen who have charge of Divorce Bills to the alteration of practice which has been suggested by the Minister of Justice. The procedure which is contemplated in our rules is to be found in the 77th: "The petitioner is to appear below the Bar of the Senate, at the second reading, to be examined by the Senate generally, or as to any collusion or connivance between the parties to obtain such separation, unless the Senate think fit to dispense therewith." Now the form hitherto adopted in this House has been to declare in the motion that the witness is at the Bar of the House ready to be examined. That was thought by the Minister of Justice to be a rather irregular way of putting it, and he has suggested that when the time comes for calling the petitioner to the Bar it will be intimated by the gentleman in charge of the Bill that he is in attendance; the Speaker makes a statement to that effect, after which a motion is made to dispense with the presence of the petitioner. The form suggested by the Minister is this—that Mr. Speaker inform the House that A. B., the petitioner in this case, is in attendance below the Bar ready to be examined generally or in regard to any collusion or connivance between the parties to obtain a separation. Then the gentleman in charge moves that the attendance of the petitioner be dispensed with, but that it be an instruction to the committee to whom the Bill is referred to examine the petitioner as to whether there has or has not been any collusion between the parties to obtain a separation. I think this course will appear as a more intelligent and logical proceeding on our Journals, and I presume the House will have no hesitation in adopting it. Looking at the rule, I find that there is no change necessary; the rule allows ample scope for the alteration in our practice which is now proposed.

HON. MR. READ—Might I ask if this change in our practice is to apply to cases which have already been brought before the Senate?

THE SPEAKER—That is a matter for the House to decide.

HON. MR. DICKEY—I should think that no change would be made which

would affect cases which have been initiated under the existing rule. However, I do not think that any difficulty need occur at all, because, if I understand the explanation of his Honor the Speaker, it is merely to apply to the mode of entering the proceedings on the Journals.

THE SPEAKER—If we adopt it in cases which are now before the Senate it will of course cause a good deal of inconvenience to gentlemen who have their papers otherwise prepared.

HON. SIR ALEX. CAMPBELL—There need be no inconvenience of any moment, I think, because any hon. gentleman in charge of a Divorce Bill has merely to state that the petitioner is in attendance, and on that the Speaker directs the petitioner to appear at the Bar to be examined. The Speaker announces that the petitioner is at the Bar ready to be examined, and on that the hon. gentleman who has charge of the Bill moves that the attendance of the petitioner be dispensed with. There will be no inconvenience whatever.

THE SPEAKER—In the cases which are now before the House I will put the motion in that way without requiring the gentleman in charge of these cases to alter their notices in writing.

THE TERRY DIVORCE BILL.

SECOND READING.

HON. MR. READ moved that Edward Dillon Sherwood be called to the Bar of this House to be sworn and examined.

The motion was agreed to.

Then Edward Dillon Sherwood was called to the Bar of the House, and, being sworn, was examined as follows:—

Q. What is your name, place of residence and occupation?

A. Edward Dillon Sherwood, of the City of Ottawa, in the County of Carleton, Deputy Sheriff of the County of Carleton.

Q. Look at the paper writing now produced and shown to you, marked "A," intituled: "An Act for the relief of Fairy Emily Jane Terry" and at the paper writing now produced and shown to you, marked "B," being an order of the Senate, dated the 11th day of February, 1885, both writings being certified by the Clerk of the Senate. Did you serve copies of these writings with the certificates thereon of the Clerk of the Senate upon any person, and if so, upon whom? And on what day and date, and at what place?

HON. SIR ALEX. CAMPBELL—I am glad that this question has been put in the proper shape, instead of a leading question such as we had in a case before us a few days ago, the question now asked is "Did you serve this paper upon anyone, and if so when and on whom?"

A. I served duplicate copies of the writings now shown to me marked "A" and "B" respectively, with the certificates thereon, respectively, of the Clerk of the Senate, upon the said Charles Hunter Terry, on Thursday, the nineteenth day of February, A.D. 1885, at the City of New York, in the State of New York, one of the United States of America.

Q. State the particular mode in which you effected such services?

A. I served the said duplicate copies of the writings "A" and "B" on the said Charles Hunter Terry, personally, by handing the same to him and leaving the same with him, and I explained to him the nature and object of the said papers, and he fully understood the nature and object of the said papers, and said that he did not care; they, meaning the petitioner, might go on, that he was not going to meddle with it.

Q. Do you know the said Charles Hunter Terry and the petitioner, Fairy Emily Jane Terry?

A. I know the said Charles Hunter Terry, and I know the said Fairy Emily Jane Terry. I have known the said Charles Hunter Terry for some years.

Q. Is the person Charles Hunter Terry, upon whom you served copies of the writings marked "A" and "B," respectively, the same Charles Hunter Terry who is named in the said writings respectively, and who is therein styled the husband of the said Fairy Emily Jane Terry?

A. Yes. He is the same person.

Q. Did you compare the said duplicate copies of the writings "A" and "B" with the said writings respectively, and ascertain that they were true copies?

A. I did.

The said Edward Dillon Sherwood was directed to withdraw.

HON. MR. READ—I beg leave to notify the House that the petitioner in this case is in attendance ready to be examined.

The SPEAKER—Let the petitioner come to the Bar. (The petitioner then

appeared below the Bar.) I beg to inform the House that the petitioner in this case, Fairy Emily Jane Terry, is in attendance below the bar ready to be examined generally as well as in regard to any collusion or connivance between the parties to obtain a separation.

HON. MR. READ moved :

That the examination of the said petitioner at the Bar, be dispensed with, but that it be an instruction to any Select Committee to whom the said Bill may be referred to examine the said Fairy Emily Jane Terry generally, and also in that particular respect above referred to.

The motion was agreed to on a division.

HON. MR. READ moved that the Bill be read the second time.

The motion was agreed to on a division.

HON. MR. READ moved :

That the Bill be referred to a Select Committee composed of the Honorable Messieurs Clemow, Flint, Hamilton, MacInnes, Northwood, Odell, Plumb, Ross and the mover, to report thereon with all convenient speed, with power to send for persons, papers and records, and examine witnesses on oath, and that the exemplification of the proceedings in the High Court of Justice of Ontario, Chancery Division, in the case of Fairy Emily Jane Terry vs. Charles Hunter Terry, and the further proceedings presented to the Senate on the reading of the petition of the said Fairy Emily Jane Terry, be referred to the said committee, and that all persons summoned to appear before the Senate in this matter appear before said committee; and that the said committee have leave to sit on Saturdays and other non-sitting days.

HON. SIR ALEX. CAMPBELL—The constant repetition of "have leave to sit on Saturdays and other holidays," keeps throwing a doubt on the right of committees to sit on those days, and it seems to me that those words had better be omitted.

HON. MR. READ—Then I will strike them out.

The motion as amended was agreed to.

BILLS INTRODUCED.

Bill (21) "An Act to provide for the taking of a census in the Province of Manitoba, the North-West Territories and the District of Keewatin." (Sir Alex. Campbell).

Bill (8) "An Act respecting the River St. Clair Railway Bridge and Tunnel Company." (Mr. Plumb).

The Senate adjourned at 4:05 p.m.

THE SENATE.

Ottawa, Friday, February, 27th, 1885.

The SPEAKER took the Chair at three o'clock p. m.

Prayers and routine proceedings.

THE DAVIS DIVORCE BILL.

REPORTED FROM COMMITTEE.

HON. MR. DICKEY, from the Select Committee, to whom was referred Bill (C), "An Act for the relief of Amanda Esther Davis," reported the Bill without any amendment.

It was ordered that the Bill be taken into consideration on Monday next.

THE TERRY DIVORCE BILL.

FIRST REPORT OF THE COMMITTEE.

HON. MR. ODELL, from the Select Committee, to whom was referred Bill (E), "An Act for the relief of Fairy Emily Jane Terry," presented their first report. He said : The Committee in their report merely ask for permission to employ a shorthand writer to take down the evidence, which is very important. I move that the report be adopted presently.

The motion was agreed to on a division.

THE SMITH DIVORCE BILL.

FIRST REPORT OF THE COMMITTEE.

HON. MR. GOWAN, from the Select Committee to whom was referred Bill (B) "An Act for the relief of Charles Smith," presented their first report. He said : It would have been impossible to proceed in this case without obtaining the assistance

of a stenographer. The Committee were enabled to get through a large amount of evidence very quickly by that being done, and I hope the House will approve of the action of the Committee in that respect. I move that the report be adopted.

The motion was agreed to on a division.

THE EVANS DIVORCE BILL.

SECOND READING.

The order of the day having been called for the second reading of Bill (G) "An Act for the relief of Alice Elvira Evans, and the petitioner do attend at the Bar and be heard by counsel,"

HON. MR. GOWAN presented to the House the certificate of the Clerk of the Senate showing that the rule as to notice had been complied with.

THE SPEAKER—Let the certificate be read.

The certificate having been read by the Clerk,

HON. MR. GOWAN moved that Myron Johnson be called to the Bar of the House to be sworn and examined.

The motion was agreed to.

THE SPEAKER—Let the witness come to the Bar.

MYRON JOHNSON having appeared at the Bar was sworn.

HON. MR. GOWAN moved that the following question be put to the witness :—

What is your name, place of residence and occupation ?

The motion was agreed to on a division.

WITNESS—Myron Johnson, of the City of Toronto, in the County of York and Province of Ontario, manufacturer of agricultural implements.

HON. MR. GOWAN moved that the following question be put to the witness :—Look at the paper writing now produced and shown to you, marked "A," intituled "An Act for the relief of Alice Elvira Evans," and at the paper writing now produced and shown to you, marked "B," being an order of the Senate dated the 12th day of February, 1885, both writings being certified by the Clerk of the Senate. Did you serve copies of these writings with the certificates thereon of the Clerk of the Senate upon any person, and if so upon whom ? And on what day and date, and at what place ?

The motion was agreed to on a division.

WITNESS—I served duplicate copies of the paper writings now shown to me, marked "A" and "B" respectively, with the certificates thereon, respectively, of the Clerk of the Senate, upon the said Owen Norton Evans at the cabinet warerooms of Wilson Bros., in the town of Owen Sound, County of Grey, and Province of Ontario.

HON. MR. GOWAN moved that the following question be put to the witness : State the particular mode in which you effected such service ?

The motion was agreed to on a division.

WITNESS—I served the said duplicate copies of the writings "A" and "B" on the said Owen Norton Evans, personally, by reading the same over to him and leaving the same with him, when he said "I hope this is the last of it."

HON. MR. GOWAN moved that the following question be put to the witness : Do you know the said Owen Norton Evans, and the petitioner Alice Elvira Evans ?

The motion was agreed to on a division.

WITNESS—I know the said Owen Norton Evans and Alice Elvira Evans. I have known them both since they were children.

HON. MR. GOWAN moved that the following question be put to the witness : Is the person, Owen Norton Evans, upon whom you served copies of the writings marked "A" and "B" respectively, the same Owen Norton Evans who is named

in the said writings respectively, and who is therein styled the husband of Alice Elvira Evans?

The motion was agreed to on a division.

WITNESS—Yes, he is the same person.

HON. MR. GOWAN moved that the following question be put to the witness: Did you compare the said duplicate copies of the writings "A" and "B" with the said writings, respectively, and ascertain that they were true copies?

The motion was agreed to on a division.

WITNESS—I did.

HON. MR. GOWAN moved that the witness be allowed to withdraw.

The motion was agreed to.

THE SPEAKER—Let the witness withdraw. I have now to inform the House that the petitioner, Alice Elvira Evans, is in attendance below the Bar ready to be examined by the Senate generally, or as to any collusion or connivance between the parties to obtain a separation.

HON. MR. GOWAN moved that the examination of the said petitioner in this matter as well generally, or as to any collusion or connivance between the parties to obtain a separation, be for the present dispensed with, but that it be an instruction to any Select Committee to whom the said Bill may be referred to make such examination.

The motion was agreed to on a division.

THE SPEAKER—The petitioner may withdraw.

HON. MR. GOWAN moved that the said Bill for the relief of Alice Elvira Evans be now read the second time.

The motion was agreed to on a division.

The Bill was then read the second time.

HON. SIR ALEX. CAMPBELL—There is in this Bill a clause which provides that "The said Alice Elvira Evans shall have the custody of her said child, William Stuart Evans, the issue of her marriage with the said Owen Norton Evens."

HON. MR. GOWAN—If the Hon. Minister of Justice will excuse me for one moment, I intended to call attention to that particular point. I have read over the Bill, and it is the third clause I think that makes that provision with respect to the custody of the child. I have informed the parties who are promoting the Bill that I would be unable to press this clause upon the House and for these reasons: Hon. gentlemen will know that in respect to marriage and divorce the legislative jurisdiction of Parliament is original and exclusive. It deals with the subject as no other court can. It is not so in respect to certain incidents and matters arising upon divorce. In matters relating, for example, to the custody of children, the disposition of property, and such jurisdiction as Parliament has, other courts, the ordinary tribunals of the country, undoubtedly possess also. And so, whatever may be the view of our powers, I must think, as a matter of convenience and expediency, subjects of this kind should be left to the ordinary courts to determine, as they will do, on the well-established rules laid down for their guidance. If the practice obtained that Parliament would entertain matters beyond the range of its exclusive jurisdiction, there is no saying to what extent it might be carried, and the Senate and Commons might find their time needlessly employed in disposing of matters which could be more deliberately, if not more conveniently and less expensively, determined in the ordinary courts. With these considerations in view, I would like to withdraw section 3 of the Bill, which falls within the class of cases to which I refer as matters upon which the parties interested should be relegated to another tribunal. I was aware that the careful eye of the Minister of Justice had discovered this clause, and I had already spoken of it to the parties promoting the Bill, and had fully made up my mind as to the course I should take, and I believe it harmonizes with his views also. I would be very glad if what has passed would elicit some expression from the Minister of Justice, not with regard to this particular case, but as to what he thinks is the practice with

respect to those matters not necessarily or exclusively within the jurisdiction of Parliament.

HON. SIR ALEX. CAMPBELL—When the report of the committee comes up I shall do so.

HON. MR. GOWAN moved that the Bill, "An Act for the relief of Alice Elvira Evans," be referred to a Select Committee, composed of the Hon. Messrs. Hamilton, Macdonald (B. C.), McKay, McMaster, Montgomery, Plumb, Stevens, Vidal and the mover, to report thereon with all convenient speed, with power to send for persons, papers and records, and the further proceedings presented to the Senate on the reading of the petition of the said Alice Elvira Evans, be referred to the said Committee, and that all persons summoned to appear before the Senate in this matter, appear before the said Committee.

Carried on a division.

DEPUTY SPEAKER OF THE COMMONS BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (6), "An Act to provide for the appointment of a Deputy Speaker of the House of Commons." He said: This Bill is framed on the precedent which has been set by the British Parliament, and I think it will be found by the House to be such a measure as they will readily assent to.

HON. MR. SCOTT—Does that affect only the Speaker of the House of Commons?

HON. SIR ALEX. CAMPBELL—That is all.

HON. MR. POWER—It is hardly proper, I suppose, in one way, that the Senate should undertake to interfere in a matter which peculiarly affects the internal economy of the House of Commons, but I think that it is somewhat to be regretted that, as we have got along now for some eighteen years without this officer, the Government should have chosen this particular time, when the finances of the country are not in the flourishing condition in which they have been for the past four or five years, to appoint an officer who is to receive, it is understood, a very handsome salary. As to the gentleman who is understood to be selected, I can only congratulate the Government and him on the proposed appointment.

The motion was agreed to and the Bill was read the second time, and referred to a Committee of the whole House.

In the Committee,

HON. SIR ALEX. CAMPBELL—The gentleman from Halifax has called attention to this expense being incurred at this particular time. There are reasons why this provision should now be made: the want of it has long been felt. It is not in the power of any Speaker to sit continuously from hour to hour for ten to eleven hours without seriously imparing his health, and those of us who have been in Parliament for many years (the hon. gentleman who makes the objection is one of them) will, on reflection, recollect instances in which the health of Speakers of the House of Commons has been injured by being confined for hours at a time to the chair. The results have been exceedingly prejudicial, and the desire to have some provision made by which it may no longer be necessary for a Speaker to remain in the chair beyond such reasonable time as is compatible with his health is, I think, a matter which is clear to everybody. The additional expense at this particular moment will certainly not involve any serious consequences to the revenue of the country. My hon. friend thought it necessary to call attention to the fact, but I think the difficulty is one which we shall triumph over.

HON. MR. SCOTT—There is a statute already in force, if I recollect properly, which enables the Speaker to call any member of the House to take his place for some time. In what respect does this provision differ from that?

HON. SIR ALEX. CAMPBELL—The present statute provides for a chairman

being appointed by the Speaker, but the Speaker must return to the chair during that sitting of the House.

HON. MR. POWER—I do not feel altogether convinced by the argument of the Minister of Justice as to the absolute necessity of this officer. It is true that the health of one gentleman who filled the position of Speaker of the House of Commons is generally understood to have suffered from too assiduous attention to his duties.

HON. SIR ALEX. CAMPBELL—Oh ! more than one.

HON. MR. POWER—Perhaps, then, it is only the health of Conservative Speakers that suffers, because Mr. Anglin, who discharged the duties of Speaker for a number of years very efficiently, and at a time when there were very long sittings of the House, as far as I know never suffered in his health.

HON. MR. ALMON—His temper suffered.

HON. MR. POWER—Possibly it did ; it was severely tried. I think, looking back over those who have been Speakers before and since Confederation, it does not appear that their lives have been shorter than the lives of gentlemen in their station of life usually are. I think that when one considers that the Speaker has a right at present, if he finds sitting in the chair is becoming too wearisome, to call a chairman to take his place for an hour or two, it does not seem such a trying thing, and I think the present time, when the Speaker is an exceptionally young and vigorous man, is not perhaps the most opportune to ask for a deputy. I could understand if a gentleman like the late Mr. Cockburn, or even Mr. Blanchet, was filling the chair, that there would be rather more reason for doing so. I cannot help feeling that the time for asking for this officer is not well chosen, and that, as in a good many other cases, while there is a good deal to be said in favor of having such an office, the office is created for the incumbent, and not otherwise.

HON. SIR ALEX. CAMPBELL.—I think the hon. gentleman does injustice to the Bill and to those who are concerned in bringing it into Parliament. The hon. gentleman says that only one Speaker has suffered from the long sittings in the chair. The late Mr. Cockburn, who was a very dear friend of many members of this House, myself amongst them, not only suffered, but I really believe it was the cause of his death. Mr. Anglin may have had a stronger constitution and happily he escaped, perhaps, the evils that others suffered from. That Mr. Blanchet's health was very seriously injured I have been told by his intimate friends, and his appearance indicated it. These are two instances which have occurred since Confederation. The only other two Speakers since 1867 have been Mr. Anglin and the present Speaker. Happily the present Speaker is in the enjoyment of youth and, we hope, good health, but the confinement has already inflicted injury on him impairing his health, and he is as anxious that some provision should be made as any one could be, and anxious on account of the injury inflicted on his health. The hon. gentleman may, himself, if he should ever change his position and fortune favor him, become the Speaker of the other House, and he will then, notwithstanding his robust health, be glad to find that he is not obliged to confine himself to the chair for ten or eleven hours in succession, than which nothing could be more unreasonable.

HON. MR. ALEXANDER — The hon. Minister of Justice is in the habit of belittling the senior member for Halifax. I think there is a great deal of force in what has been said by that hon. gentleman, but the present Government have a desire to multiply the offices in the country, no matter what additional expense they may throw on the people.

HON. MR. GOWAN—It just occurs to me that there is one reason not mentioned, one not of a personal character, but a good and cogent reason, why a Deputy Speaker should be appointed. There are certain objections to the nominee of the Speaker taking his place. I need not go into these, but it must be obvious to every hon. gentleman that no man can perform his office properly unless he is able to give sustained attention to

what is going on, and after eight or nine hours, even four or five hours, of continuous watchfulness, which the Speaker is obliged to exercise, he is not able to give that attention which the important business that he is appointed to watch over should command; and from that alone, apart from any effect it may have on the health of the incumbent, it commends itself to my mind as a wise and proper measure.

HON. MR. HAYTHORNE, from the Committee, reported the Bill without amendment.

THE HATZFELD DIVORCE BILL.

SECOND READING.

The order of the day having been called for the second reading of Bill (D) for the relief of George Louis Emil Hatzfeld, and the petitioner do attend at the Bar and be heard by counsel,

HON. MR. KAULBACH presented the certificate of the Clerk of the Senate that the notice of the second reading of the Bill had been affixed upon the doors of the Senate for fourteen days. He moved that Julius Winckler be called to the Bar of the House and examined.

The motion was agreed to on a division.

Then Julius Winckler was called to the Bar of the House, and, being sworn, was examined as follows:—

Q. What are your name, place of residence, and occupation or legal addition?

A. Julius Winckler, of the City of Hamilton, Dominion of Canada, Machinist.

Q. Look at paper writing now produced and shown to you, marked "A," intituled "An Act for the relief of Georg Louis Emil Hatzfeld," and at the paper writing now produced and shown to you, marked "B," being an Order of the Senate dated the 11th day of February, A.D., 1885, both writings being certified by the Clerk of the Senate. Did you serve, or attempt to serve copies of these writings, with the certificates thereon of the Clerk of the Senate, upon any person, and if so upon whom and in what manner, on what date and at what place?

A. On Friday, the 20th day of February, A.D. 1885, at about 4 o'clock p.m., I called at number 252 Ontario Street, in the City of Toronto, being the residence of Peter Freyseng, brother of said Anna Maria Hatzfeld, and where she was at that time residing, and where she had been residing for several months last past, and told the wife of said Peter Freyseng that I wanted to see the said Anna Maria Hatzfeld, whereupon she the said Mrs. Freyseng told me the said Anna Maria Hatzfeld had gone out since dinner, and she declined to tell me where she had gone or when she would return, and from the demeanor of the said Mrs. Freyseng and the fact that I had served the said Anna Maria Hatzfeld with a notice in this matter on the previous Monday at the same house, and the further fact that I was detained several minutes at the door of the said house, before being admitted, during which time I noticed the window curtain near the door where I stood being moved as though some one was looking out, I was of the opinion then and am now that the said Anna Maria Hatzfeld was in the said house of her said brother when I was there on the said 20th instant and was evading me, and believing then as I do now that it was impossible to serve her personally I served the said duplicate copies of the said paper writings now produced and shown to me marked "A" and "B" respectively, with the certificate thereon respectively of the Clerk of the Senate, upon the said Peter Freyseng, brother of the said Anna Maria Hatzfeld, by handing the same to and leaving the same with him on the said twentieth day of February, 1885, at the said City of Toronto, and at the same time he said that he would hand the said duplicate copies to his sister, the said Anna Maria Hatzfeld, and I am informed and verily believe that Mr. McIntyre, of Ottawa, Barrister, has been retained to represent the said Anna Maria Hatzfeld before the Committee of the Senate of Canada in the matter of the said Bill.

Q. Look at the paper writing now produced and shown to you marked "C," being a notice over the name of Osler, Feetzel and Harrison, solicitors for Georg Louis Emil Hatzfeld, to Anna Maria Hatzfeld, of the second reading in the Honorable the Senate of the Dominion of Canada of a Bill intituled: "An Act for the "relief of Georg Louis Emil Hatzfeld," on Thursday, the 26th day of February, instant, and containing a copy of the motion with reference to the second reading of the said Bill passed by the said Honorable House on the eleventh day of February, instant; also containing a copy of the said Bill. Did you serve a true copy of said paper writing on any person, and if so, upon whom; in what manner, on what day and date, and at what place?

A. I served a true duplicate copy of the said paper writing now produced and shown to me marked "C," upon the said Anna Maria Hatzfeld by handing the same to and leaving the same with her, on Monday, the sixteenth day of February, A. D. 1885, at the residence of her brother, Peter Freyseng, in the City of Toronto, in the Dominion of Canada, being number 252 Ontario street, in said city, and at the time of such service she

took the said paper writing and I sat down beside her and she read the same, and when she had done reading I asked her if she would meet Louis, meaning the said petitioner, in Ottawa, on the twenty-sixth instant, and she said "Yes."

Q. Do you know, and how long have you known personally the said Anna Maria Hatzfeld?

A. I do know, and have known her personally, for over fourteen years.

Q. Is the said Anna Maria Hatzfeld the wife of the petitioner, Georg Louis Emil Hatzfeld?

A. Yes.

Q. Do you know the petitioner, Georg Louis Emil Hatzfeld, personally, and if so, how long?

A. Yes, I have known him personally over fourteen years.

Q. Did you compare the said duplicate copies of the writings marked "A" and "B" with the said writings respectively, and ascertain that they were true copies?

A. I did.

Q. Did you compare the said paper writing marked "C" and the said duplicate copy with that portion of the paper writing now produced and shown to you marked "D," being the Minutes of the Senate of Canada of Wednesday, the 11th day of February, 1885, printed by the Queen's Printers, which refers to the said Bill, and also the said Bill marked "A," certified by the Clerk of the Senate?

A. I did, and I found both the paper writing marked "C" and the duplicate copy thereof served by me on said Anna Maria Hatzfeld to contain true copies of the said Bill, and of that portion of the said Minutes of the Senate of Canada which in any way refers to the said Bill or to the second reading thereof.

HON. SIR ALEX. CAMPBELL—The witness has answered more than he was asked by the question. The question was whether he had compared the papers, and did not go on to ask whether they were true copies or not. The witness, however, has replied that they were true copies. I merely call attention to the fact that he has answered more than he was asked.

Q. Did you compare the said duplicate copy of the paper writing marked "C" with the said writing "C," and ascertain that it was a true copy?

A. I did.

Q. Is the said Anna Maria Hatzfeld, upon whom you served a copy of the writing marked "C," and upon whose brother you served copies of the writings marked "A" and "B," respectively, the same Anna Maria Hatzfeld who is named in said writings respectively, and who is therein styled the wife of the said Georg Louis Emil Hatzfeld?

A. Yes, she is the same person.

The said Julius Winckler was directed to withdraw.

THE SPEAKER informed the House that Georg Louis Emil Hatzfeld, the petitioner in this case, was in attendance below the Bar ready to be examined by the Senate generally, or as to any collusion or connivance between the parties to obtain a separation.

HON. MR. KAULBACH moved:

That the petitioner, Georg Louis Emil Hatzfeld, being in attendance at the Bar and ready to be examined, his examination in this matter as well generally as in regard to any collusion or connivance between the parties to obtain a separation be for the present dispensed with, but that it be an instruction to any committee to whom the Bill upon the subject may be referred to make such examination.

The motion was agreed to on a division.

HON. MR. KAULBACH moved the second reading of the Bill.

HON. SIR ALEX. CAMPBELL—I think it my duty to call the attention of the House to the fact that the papers which the rule requires to be served upon the respondent have not been served, and the excuse which is offered for the non-service is one for the consideration of the House. It would seem that the witness at the Bar went to the residence of this woman's brother, where on some previous occasion he had served her with papers connected with this case, and asked for her and was told she was not at home; that from some circumstances mentioned in his answer, such as the curtains being pulled back at the window, and from the fact that she had been there a day or two before, and from the manner of the brother, he had reason to believe that she was in the house at the time he called. These are the excuses for the non-compliance with the rule of the Senate that the service shall be a personal one. It is for the House to say whether this constitutes a sufficient proof of the impossibility of complying with the rule. In addition to the want of proof of service, the attempt having failed for reasons given, my hon. friend puts in affidavits showing that on a previous occasion this

respondent had been served personally with a copy of the Bill in this case and proceedings in the Senate at one stage of the Bill. The fact is, therefore, established that she has had personal service of a copy of the Bill, and so far that is sufficient proof that she is aware of what is going on. But she has not had the service required by the 76th rule which requires that "Notice of such second reading is to be affixed on the doors of the House during that period," that is 14 days, "and a copy thereof and of the Bill, duly served upon the party from whom the divorce is sought." She has heen served with a copy of the Bill, because she was personally given a copy of the proceedings of the Senate upon a certain day, to which a copy of the Bill was added by the attorneys representing the petitioner; so she has had service of a copy of the Bill personally, but she has never had service of the notice that the Bill would be taken up on the 26th of this month, or to-day, so that it might possibly be said on her behalf that she did not know that these proceedings were to go on to-day. As against that she has had a copy of the proceedings of the day that is mentioned, in which it was said that the second reading would take place on the 26th; she has had a copy of the Bill itself, and we have proof that an effort was made to serve her personally. In addition to that I have sent for the affidavit showing the service of the petition. That service was personal. It was served on Anna Maria Hatzfeld on the 24th November, 1884, at her residence, 252 Ontario Street, Toronto, this same place where the attempt was made the second time to serve her with a true copy of the notice, so that on the 24th November of last year she knew that this Bill would be introduced here this session. Subsequently a copy of the Bill and the motion that was made that the Bill would be read the second time yesterday was handed to her personally, and, in addition to that, an effort has been made to serve her personally with a copy of the notice affixed to the doors. The House, I am inclined to think, will believe that the efforts which have been made, coupled with the facts to which I have alluded, constitute a sufficient explanation of the non-service, and show sufficiently clearly that she knows what is going on and that we are not doing her any injustice in proceeding with the case. I have drawn the attention of the House to these facts in order that hon. gentleman may know that the service of the notice has not been made personally as the rule requires and that they may judge whether a sufficient effort has been made to serve her personally, and whether proof has been furnished of the impossibility, (which is a very strong word,) of complying with the rule. The witness might have gone the following day, or two or three times the same day, and it has not been established that it was impossible to serve the respondent with a copy of the notice; but it is established that she knows what is going on, and we are not doing her an injury by proceeding with the case.

HON. MR. KAULBACH—In addition to that I would call attention to the fact that the rule, if the Minister of Justice will refer to it, does not say it must be a personal service; it says it must be served upon the party.

HON. SIR ALEX. CAMPBELL—That means a personal service.

HON. MR. KAULBACH—It says it must be served, or if not, the party has to state the reason why it was not done. I think my hon. friend will see that the respondent has been virtually served with the order, because the paper marked "C" is the same paper as is affixed upon the door of the House, only it has not got the words "It is ordered," at the head of it; nor is it signed by the Clerk of the House, but every substance of the order is in it, and also the Bill. I think if it is read it will satisfy the House fully that the respondent knew the day on which this Bill was to be considered, and, besides that, the witness here swore that she knew of it being on the door yesterday, and he knew of his own knowledge that she had employed Mr. M'Intyre as counsel to appear for her on that day. The House will see that everything has been done, and that she has had ample notice, although not personal service of the notice.

HON. MR. DICKEY—I think the Minister of Justice was perfectly justified

in calling attention to the rather lax observance of the rule in this case, and I for one confess that I am always inclined to uphold the rules, and as far as possible to insist upon their strict observance. I notice from what has just dropped from my hon. friend who has charge of this Bill, that in the examination, the witness testified to being in the presence of the respondent, called attention to the proceedings and asked her if she would be here to meet them, and she said she would on the 26th. That gives colour to the idea that she must have had notice; but in regard to the construction of this rule, it is after all merely that reasonable ground should be given to the satisfaction of the Senate, to shew that the rule could not be strictly complied with; because to insist upon personal service where personal service could not be effected, would be an impossibility, and an absurdity. But I think that the House will be fairly justified in reading that rule 76 in connection with rule 73, which bears upon the same subject, and applies to the first notice, and that is, that proof on oath of such service, or of the attempts made to effect such service to the satisfaction of the Senate, shall be given. I think that may be a very fair mode of construing the very strong words to which our attention has been directed by the hon. Minister of Justice. I think he was not only justified in doing that as a member of this House, but he is more particularly justified as leader of the House, in calling attention to all these matters wherein he thinks, as I think, that the rules ought to be adhered to, substantially at all events, if not strictly. But I quite agree with him in thinking that upon the whole the House ought to be satisfied with the attempts that have been made here to effect that service under the circumstances.

HON. MR. PLUMB—It is evident that this is one of the most important rules in the proceedings in those cases. It is, I presume, known to many that this very principle which is laid down has been largely neglected in other countries where divorce is, alas, too easily obtainable, and that a mere form of service, which is almost a mockery of the rules, has come to be adopted in other countries, and I think we owe it to ourselves and to morality to see that no such looseness creeps into the proceedings of the Senate. I have no doubt that my hon. friend who has just spoken is right in saying that the two rules should be read together. The first proceeding is not required to be an absolute service, but the parties are required to use the utmost diligence in attempting to make that service. Of course the ends of justice might be frustrated by the evasion of service by the party who is respondent in the suit. The second rule does not seem to be worded exactly like the first, but I have no doubt that they are both intended to have the same application. In this case I should imagine that the first notice having been received it would be probably safe to infer that the person interested had been apprised of the proceedings, and that is really the great object in making stringent rules, because any person apprised of such proceedings, and having a defence, and having a desire to oppose the divorce, would have ample opportunity to make enquiry and exert herself or himself in that direction, if it was desirable to do so.

HON. MR. GOWAN—I quite agree that in this case it may be said that reasonable proof has been given that it has come to the knowledge of the party; still I cannot agree to the proposition that the 73rd and 76th rules ought to be read together. No doubt there must be some object in the variation of the language; the 76th section evidently contemplates a personal service if possible. The words "of the impossibility of complying with this regulation," are certainly very strong, but I do not think they should be read with the severity that would be perhaps brought to bear by some hon. gentlemen upon them. I think the test is this: is there a reasonable ground for presuming, upon the facts submitted, that it came to the knowledge of the party intended to be affected by it? Now, with regard to the distinction between the two rules, one is a mere notice, and the other is something more than a mere notice; it is after the subjection of this matter before this tribunal. I agree that there is sufficient to warrant the belief that it came to this respondent's notice, and I think it is such proof as would be received in an ordinary court of

justice, of personal service, or equivalent to personal service.

The motion was agreed to on a division, and the Bill was read the second time.

HON. MR. KAULBACH moved that the said Bill be referred to a Select Committee composed of the hon. Messrs. Botsford, Boyd, Lewin, Macfarlane, Macdonald (B.C.), McLellan, Turner, Montgomery and the mover, to report thereon with all convenient speed, with power to send for persons, papers and records, and examine witnesses on oath, and that all persons summoned to appear before the Senate in this matter appear before the said Committee.

HON. MR. GOWAN—I should like to enquire of the hon. gentleman from Lunenburg whether he has submitted the names of that committee to the Minister of Justice, which, from what took place the other day, is an essential thing to do.

HON. MR. KAULBACH—I presume it is generally understood, that what had to be done has been done, and I think my hon. friend may presume, unless it is questioned by the Minister of Justice, that the names have been submitted.

HON. MR. GOWAN.—I am not aware whether the hon. gentleman was present on the occasion I refer to, and for that reason I made the suggestion.

HON. SIR ALEX. CAMPBELL—There is one phrase in the motion which is not necessary, and that is the words "and examine witnesses under oath." The power to examine witnesses under oath is not given by resolution of the Senate; it already exists by statute, and therefore these words had better be omitted from the motion.

HON. MR. KAULBACH—I was quite aware that the power existed by statute, but following the precedent already established, I did not wish to omit these words.

The motion was agreed to on a division.

The Senate adjourned at 5.15 p.m.

HON. MR. GOWAN.

THE SENATE.

Ottawa, Monday, March 2nd, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

THE HATZFELD DIVORCE BILL.

FIRST REPORT OF THE COMMITTEE.

HON. MR. KAULBACH, from the Select Committee to whom was referred Bill (C) "An Act for the relief of Georg Louis Hatzfeld," presented their first report. He said: the Committee in their report simply ask the House for permission to employ a shorthand writer to take down the evidence in this case. I move the adoption of the report.

HON. MR. POWER—I do not rise for the purpose of opposing the motion of my hon. friend, but to call the attention of the House to a fact in connection with the proceedings of those divorce committees. Some years ago the Senate put an end to the publication of the evidence taken before divorce committees. Hon. gentlemen who have been in the House for some years will remember that previous to 1878 the evidence taken before a divorce committee was printed and distributed freely both in and outside of Parliament. The House interfered in 1878, and put an end to that system. I have observed—and the hon. gentleman from Hamilton (Mr. Turner) has also expressed a strong opinion about the matter, which agrees with my own—that reporters for various newspapers come into the committee rooms where those investigations are being held, and where evidence of a character that should not be made public is being taken, and report that evidence for the purpose of publishing it throughout the country. It seems to me that if the Senate will not allow its own officers to have this evidence printed and circulated, that it should not allow the press to do the same thing, by which the publicity would be much greater than any that could be given to the documents of this House. I feel that it is, to a certain extent. my duty to call the attention of

the Senate to the matter. It is a matter, I should say, in the discretion of each of those committees to decide that strangers shall not be allowed to report the proceedings; and if the committee so decide, it will be sufficient.

Hon. Mr. KAULBACH—I think my hon. friend is wrong in stating that the House in 1878 put an end to the distribution of divorce evidence. I think it was left to the committees to say in their discretion whether the evidence is of such a character that it shall not appear in the Minutes; and I think it is only in cases where the evidence is extremely offensive that it should not appear in the Minutes. I think every hon. member should be invested with the evidence in cases that he has to decide upon, and if he does not read it it will be his fault, and not the fault of the committee. I think that in a case of such importance as the dissolution of the martimonial tie every hon. gentleman should have read the evidence before being called upon to vote on the Bill to which it relates.

Hon. Mr. TURNER—As my name has been brought into this matter, I may say that while I quite agree with Mr. Power in what he has said as to the desirability of keeping those things from the public, we, as members of those committees, have a very unpleasant duty to perform. To-day we had a lady before us giving evidence, and I felt that she was placed in a very delicate and painful position, and I think, on this occasion, though a young member on the committee, I ought to have said something to make her position less unpleasant. She gave her evidence very nicely, and very correctly no doubt, and she had to give it under embarrassing circumstances, on account of the large number of persons present. In cases where there are ladies to be examined I think it desirable that there should be as few persons present as possible—in fact only the Court itself. We all understand how a female coming before a divorce committee must feel her situation most uncomfortable and embarrassing, and I think that anything the committee can do to relieve her from that publicity would be an act of real kindness.

Hon. Mr. GOWAN—I quite agree with what has fallen from my hon. friend from Halifax; I think it is exceedingly unwise to minister to the vicious taste for this prurient matter. I assume it would be in the power of a committee, acting through its chairman, to prevent any report other than that of the official reporter from being made, and I certainly would feel disposed myself to exercise that power, if we possess it, to exclude all persons except those who are immediately concerned in the matter, especially when both petitioner and respondent are represented by counsel.

Hon. Sir ALEX. CAMPBELL—The remedy, as the hon. gentleman who has made the complaint has said, is within the committee itself; no person has a right to attend the meetings of the committee, except a member of this House, and if the committee see fit, with reference to the character of the evidence, or for any other reason, to exclude the public, they have the right to do so.

The SPEAKER—Rule 95 is the rule.

Hon. Mr. DICKEY—I would take the responsibility of stating on my own behalf, as chairman of divorce committees on several occasions that in the one instance in which I have acted as chairman, during the present session I was careful to observe that there was no newspaper reporter present. On former occasions, after the adoption of the rule embodying the sense of the Senate that publicity should not be given to those details which we thought were not fit to put upon our journals, I took the responsibility of intimating that no reporter would be allowed to be present. I took that action because I thought it would be within the spirit of the rule laid down by the Senate for the guidance of the House. Therefore I quite agree with what has fallen from the first Ministerthat it lies entirely in the discretion of the committee to exclude the public from their meetings. I do not think there is any necessity, after the suggestion of the hon. gentleman opposite, that a motion should be made; that it should be left in the discretion of the committee, because we all know, and as we have been told

from the chair, there is a rule which places it in the discretion of the committee.

THE SPEAKER—I will read the rule. Rule 95 says :—

"No persons, unless demanded to attend, are to enter at any meeting of a committee of the Senate or at any conference."

HON. MR. POWER—My object has been attained. I simply wished to call the attention of the gentlemen composing the committees to the fact that newspaper reporters did attend those committees to report the evidence. I happened to look in for a moment this morning during the sitting of one committee, and there were two reporters engaged in reporting the proceedings for the press.

HON. MR. PLUMB—I think the hon. gentleman is to be commended for having drawn the attention of the Senate to this matter. There is no doubt that all those cases are very painful subjects, affecting either one side or the other, or affecting innocent parties connected with those who are bringing the cases before the Senate, and I think it is the duty of every hon. member who is acting on those committees to do his best to prevent anything from transpiring which could permanently affect innocent parties. It certainly is most desirable that, as far as possible, the rule should be observed that no one should be present at those examinations except those who are engaged as counsel, the reporters employed by the committee, and those who are immediately interested either as petitioner or respondent, and the members of the Senate, who have a right to be there to hear the proceedings. We have a great many cases of divorce to consider this year, and I trust that as far as possible these rules will be observed. I have not been on a divorce committee until this year, but I am on two of them now, and it certainly will be in accordance with my feelings that all evidence of an improper character shall be suppressed in the manner already provided, and as far as possible public curiosity shall be restrained from making those painful scenes a place of resort, and publishing the proceedings through the press.

The motion was agreed to on a division.

THE EVANS DIVORCE BILL.

FIRST REPORT OF THE COMMITTEE.

HON. MR. GOWAN presented the first report of the committee to whom was referred Bill (G), "An Act for the Relief of Alice Elvira Evans," and moved its adoption.

The motion was agreed to on a division.

DEPUTY SPEAKER OF THE COMMONS BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (26), "An Act to provide for the appointment of a Deputy Speaker of the House of Commons."

HON. MR. ALEXANDER—It is with very great reluctance that I feel impelled from a sense of public duty, to make one or two observations with regard to this Bill. When the hon. gentleman from Halifax (Mr. Power) on the second reading of the Bill, called the attention of the House to it, I did not feel to the full extent the importance of the measure. Now, if the object of the Bill which I hold in my hand were merely that when the Speaker in another quarter should at any time feel wearied, he might call upon the chairman of a committee of that House, or upon any member of the House, to take the chair while he rested, there could be no objection to it; but when we know, as a fact, that it is proposed to name a gentleman permanently as the Deputy Speaker of the House with a salary of $2,000 a year, I say that although it is a very small matter to oppose, I feel impelled to appeal to the House on this subject. One would suppose from the way in which the present Government conduct public affairs, that the country was in a highly prosperous state. When I look around and hear of an ex-Minister of the Crown far away from his own home, almost crushed by commercial engagements; when I further meet merchants of the country who tell me honestly that it is exceedingly difficult to make their livelihood out of trade; when I look around and see large manufacturing industries unsuccessful—(No, no.)—

I may name cotton manufactories—some of the managers of whom are in this very House—men of the greatest enterprise, whose health is impaired because, with the closest management and the experience of years, they cannot command success. And, when in addition to all this, we meet at the corners of every street superannuated clerks, men in the prime of life superannuated upon salaries of $2,000 a year with successors appointed to them, we can only assume that the present Government are utterly reckless with regard to the public expenditure. I have great reluctance in making those remarks because the Speaker of the present House is an old personal friend of mine for whom I have the highest respect, but it ill becomes the Government because that gentleman happens to be the son-in-law of the Minister of the Interior to make this unnecessary appointment. It only shows the danger of bringing into the Government of the country selfish men who care not what they spend to advance their own personal ends. We have read on former occasions of $1,500 being wasted upon celery glasses—champagne glasses and such rubbish of life—money used for exercising improper influences, while members like my hon. friend behind me (Mr. Flint) are praying the House to legislate against such evils. And yet the Minister of the Interior wasted $1,500 on champagne glasses for his own objects and purposes. The time has arrived when, if the Senate wish to retain the respect of the country, they must begin to check extravagance even in such small (as well as large) matters. With the embarassments felt at this moment by our industrious population, we should not permit this reckless waste of the public money.

The motion was agreed to, and the Bill was read the third time and passed.

CENSUS OF MANITOBA BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (21) "An Act to provide for the taking of a census in the Province of Manitoba, the North-West Territories and the District of Keewatin." He said: One of the terms at which we arrived in the process of negotiation with Manitoba required an additional census to be taken in that province. It is for the purpose of enabling us to arrange the subsidies more promptly than is the case with other provinces; and the expediency of that step became very obvious in consequence of the rapidly augmenting population of Manitoba, increasing there much more rapidly than in any other of the provinces of the Dominion. Therefore it was but fair that the subsidy paid Manitoba should be considered more frequeutly than we consider the same subject with reference to the other provinces. The Bill before the House has for its object the giving the necessary powers to take that census.

HON. MR. POWER—The Minister in introducing the Bill did not favor us with any lengthened description of its character; but I gather from the report of the debate on this Bill in another place, that the Government are persisting in a system which is very far behind the age, indeed, of taking the census on the *de jure* and not the *de facto* system. The object of the Government and the country in taking the census of Manitoba and the North-West Territories is to find out how many people are there—not how many have been there, or how many may think of returning there, but how many are there; and it seems to me that now is a good time for the Government to change the system which they have heretofore adopted. Everyone knows how the census is taken under the *de jure* system. In addition to the people who happen to be residing in the district where the enumerator is at work at the time the census is taken, who are all that should be enumerated—all who were enumerated in England or the United States when the census was taken in those countries—we get in this country also those who are not there, but who it is thought may return. The enumerator goes to the head of a family and he finds there are two sons absent, it may be in British Columbia or Dakota or somewhere else in the United States, and the old people hope that some day or other these sons will come back, and the enumerator wants to know if the sons have gone away for good or if they are expected back. As a matter of course

the parents say they expect the sons to come back ; and those sons who have been absent for years, and as to whose return there is the greatest uncertainty, are enumerated as being residents of Canada, as making up part of the population of Canada, or in this case the North-West Territories, at the time the census was taken. That portion of the Dominion will be entitled to receive a subsidy and I presume representation in the other branch of Parliament based, not upon the population that is in the country, but upon the population that is in the country, together with another section of population which is somewhere else. Under that system the same person may be enumerated two or three times. In the cases I have spoken of the sons may be enumerated in Manitoba, and if a census is being taken in British Columbia at the same time, they may be enumerated there if they happen to have crossed over, I think that the Minister of Justice, who the other day introduced a Bill here with respect to the system of land registration and titles to land, giving us the very latest improvements in that respect, ought to keep on in the good reform career that he has begun and let us have something a little more modern than the system of census taking that has been adopted by the Government.

Hon. Sir ALEX. CAMPBELL—The system which my hon. friend advocates is no doubt one which leads to greater accuracy than the one which is in force in this country, but it requires a very large staff, and is much more expensive, and is almost impossible of execution in a sparsely settled country such as Canada. It is all very well to say that you should take the actual population on a certain day. That is the effort that is made. It is not the intention of the enumerators or the Minister or anyone to take the name of any single person in the population twice. It is the intention of all parties to get at the population just as it exists on a certain day, and the question is, how that is best to be done, considering the way in which the country is settled, and considering the amount of expenditure which it is reasonable to apply to such a work. In England they have inspectors and other officers, who are scattered all over the country, and the population being dense, they are enabled to ascertain directly, by employing a sufficient number of persons, what the population is on a given day, in every place all over the kingdom. It would be impossible for us to do that in Canada with any staff that is at all reasonable. We cannot have a person go the same day to each house all over the Dominion, or, as we are speaking now of this particular Bill, all over the Province of Manitoba. It would be impossible. Look at how the Province of Manitoba is settled. Perhaps the settlers are miles apart ; perhaps the greatest number of them, taking an average, would be from half a mile to a mile apart. How would it be possible to take the census of a population like that, on a given day? You are obliged to give an officer a district, and he is required to go over that district as rapidly as he can, and find out who were in the houses on a certain day, say 1st of August. He does the best he can, and he may make mistakes such as the hon. member for Halifax indicates, but it is not intended that a person shall be put down who is not there. It is not intended, as he phrases it, that a person in British Columbia shall be counted. The object is to get at the number of the population with such reasonable expenditure as the country can afford. I say it would be almost a physical impossibility to take the course which the hon. gentleman suggests, without such an expenditure as I am sure Parliament will not sanction ; and you must adopt the next best plan—the system in force in this country. It is in force in the United States, and must be, necessarily, in all sparsely settled countries where you cannot have an officer at every man's house at the same instant of time.

Hon. Mr. POWER—I never proposed that such an expense should be incurred.

Hon. Sir ALEX. CAMPBELL—That is the only way to carry out the system.

Hon. Mr. POWER—As it is, the paper is left by the enumerator to be filled up ; and it is just as easy for the people to fill it up with the number who are there on a certain day as to fill it up with the names of those who are not there at the time, but are expected back.

HON. SIR ALEX. CAMPBELL—That is not the fault of the mode of taking the census—it is the fault of the person making the return.

HON. MR. POWER—If the Government have no objections to getting those who are in the country at the time the census is taken and no others, why do they object so strenuously to have any provision put in the Bill that would limit the census to the people who are in the country at the time?

HON. SIR ALEX. CAMPBELL—Because there is a provision of that kind in the Bill already.

HON. MR. GIRARD—It seems to me that the question of domicile should be considered. The North West Territories are yet in a peculiar position. People are generally travelling from one place to another. Sometimes it will happen that a family leaves in the Spring to go to Dakota or Minnesota on a hunting or fishing expedition, and when the census is taken perhaps they have not returned, but they never at any time renounce their right to be known as British subjects. Then, under such circumstances, it seems to me that they should not be deprived of the right of being enumerated in the census. I should like to inquire of the Government what the intention is with respect to the Indians? I no not know if they are to be included in the census, but it seems to me the occasion would be a good one to ascertain their condition in the Territories, their number, and what can be done for the improvement of the race. I do not see anything in the Bill which excludes them, but I do not know if provision is made for the enumeration of the Indian tribes.

HON. SIR ALEX. CAMPBELL—I think the Bill makes provision for the enumeration of the Indians. I do not know what the intention of the Minister may be in framing the rules under the Bill with regard to Indians, but certainly under the words of the Bill the Indian population would be included. The census is to be taken in such a manner as to ascertain with the utmost possible accuracy in regard to the various territorial divisions of the country—"their population and the classification thereof as regards age, sex, social condition, religion, education, race, occupation and otherwise." That would include of course the Indians, and the classification would show whether they are Indians or whites. And so, with regard to the language of the Bill, I think it would include the Indians.

HON. MR. OGILVIE—I do not like to take up the valuable time of the House, but I wish to say something about the question the hon. gentleman from Halifax refers to—the papers being left for a census to be taken. He asks why do they not get them filled up now? I can tell him—and I am not talking from hearsay; I speak from personal experience, not going by railway, but travelling during last summer over six hundred miles through that country, sometimes on horseback for miles, sometimes on wheels, and sometimes on foot, just as I could do it—more than three-quarters of the huts, houses, lodges, tents or whatever they were, if one went into them any time of the day he would find nobody there. Three-fourths is not what it should be; not one in ten is more like the fact. The people are out at work all day. You may go into a house: there is seldom lock and key on the doors; you can go and help yourself; there is seldom any fault found with you for going in to get something to eat; but you cannot have the census taken in any way at all that I can see, by having the papers left or by going to an extraordinary expense. In most cases where a man runs a farm he has a hired man, as they call him, at work. They go out and work all day, taking some cooked food with them, and do not return until night; they are at home at night, but you cannot always take the census at night. To take it in the mode spoken of by the hon. member from Halifax, would cost a larger sum of money than most people dream of. In travelling over that country I have gone miles between one house and another, and a distance of five or ten miles is quite common; it is not uncommon at all to go a distance of even fifteen miles before reaching a house. A friend of mine went with me to the house of an important establishment, the Halifax Ranche Com-

pany's place. We found when we got there a woman and two or three children. There was not a man to be seen, and they had no idea where the bands of horses and cattle were; but by driving ten or fifteen miles we found them at last. You can only find the men in their houses at night, and I do not see how you could improve on the system which has been adopted.

HON. MR. PLUMB—I think it must have been observed by those who heard the opening remarks which led to this debate, that there seems to be a good deal of sensitiveness on the part of some gentlemen lest there should be a full statement of the population of the North-West Territories. There seems to be a desire, instead of giving those Territories the benefit of their population, to restrict them in some way. It is part of a system which seems to prevail in some quarters to minify as far as possible the population and resources of the Dominion. I do not accuse my hon. friend of entertaining such a feeling, but it may be in the air, and it may have impressed itself on his mind. If the hon. gentleman had read the Bill he would have seen that as large safeguards have been put about it as well could be. We have to depend on the honesty of the census-takers and the enumerators, and they have to depend largely on the information that is given them. People who give false information are subject to a fine. It is impossible for any census enumerator, except he goes into a house and takes down the names of the actual people who are presented to him then and there, to be certain of his information, and he cannot know then that they do not personate others, and he may in that way be cheated. It is impossible, on any other principle that I can see, to get any more correct returns than can be obtained by the system adopted in this Bill. Provision is made for leaving a paper at each house where the enumerator cannot find anyone to answer. What would the hon. gentleman have? What does he propose? How would he improve on that? In a sparse population is it expected that the enumerator, if he goes to a house and finds the head of that house absent, shall go again and again until he finds him at home?

HON. MR. POWER—Oh, no.

HON. MR. PLUMB—Well, I cannot imagine any other way by which it can be done to meet the hon. gentleman's view. It is provided here that a man shall not give false information and that the enumerators are to be checked by other officials. I have not that distrust in the integrity of the people employed for this purpose that my hon. friend entertains, not having any idea that there is to be a conspiracy in the North-West for the purpose of getting a larger subsidy and larger representation in the lower House, as my hon. friend has suggested. Part of his statement was that there is a feeling in the North-West which will lead people, who are appointed under oath, to falsify their returns for what will be no possible benefit to themselves. I do not believe in the perversity of human nature, although in the fall of Adam we are all more or less corrupt; but I believe under this system the census will be fairly taken. I observe in the Bill that provision is made for what my hon. friend the Senator from Manitoba referred to—that the race, as well as the occupation, of each individual shall be given, so that, consequently, there is no exception made of the Indian population, I presume. I fully sympathize with the hon. gentleman in every respect in his desire that that portion of our population which is under tutelage, in charge of the Government, shall be in every way protected, that their interests shall be looked after, and that as far as possible they shall be advanced in their condition; and I trust that at some other time that subject may be gone into and more fully discussed in this House.

HON. MR. SUTHERLAND—I have but one remark to make in reply to the speech of the hon. gentleman from Halifax. He spoke of a number of persons going to Dakota or British Columbia. I have no doubt that the hon. gentleman has been informed that such was the case. All of us who have been reading the public papers from Manitoba and elsewhere have seen statements made that there were many people leaving Manitoba for Dakota and other states of the Union. Now, the fact is, I can assure this hon. House from my own knowledge—and I

think my information is correct—that instead of our young men going over to Dakota we have numbers more coming from Dakota into our own territory—two to one. As far as going to British Columbia is concerned, of course we hope very shortly that facilities may be afforded for doing so, but they do not exist yet, and they are not likely to exist for some time to come. I did not intend to say anything on that subject. I merely rose to refer to this one point, as I know that there is a certain class of people in this country who have gone too far in making the public believe that a great many of our settlers are leaving Manitoba and the North-West and settling in Dakota and Minnesota, whereas the fact is quite the reverse. There may be a few going there; but I have correct information in saying that a number of those who went away very much discontented have returned within the space of six months to this country.

HON. MR. GOWAN—Whatever may be the relative merits of the two systems, the census has been taken over every part of the Dominion except Manitoba on one system, and if a different one is adopted in Manitoba, the value for comparison between the census of that province and the other provinces of the Dominion would not be possessed. Therefore I think, unless the whole system is changed, that the one which prevailed in taking the census in other provinces should be applied to Manitoba. It would be only just to that province.

HON. MR. KAULBACH—I have no intention of prolonging the debate, but I am very glad to hear the remarks which have been made by my hon. friend from Manitoba (Mr. Sutherland), because, no doubt it has been the policy of the party in opposition to the Government to decry that country, and represent it as a place not fit for people to live in. They have been representing that the people are leaving Manitoba and the North-West; and instead of doing what they can to aid in the development of that country, they are decrying the Canadian Pacific Railway.

HON. MR. POWER—Oh, no.

HON. MR. KAULBACH—My hon. friend says "Oh, no," but he knows that the leaders of the Opposition have made big speeches in Montreal and elsewhere to show that the country is being depopulated, and everyone knows that much injury has been done to the North-West Territories and to our great national undertaking by the reports which have been circulated by men who cannot really have the welfare of the Dominion at heart. Articles have been published by the press which supports them, denouncing that country and the Canadian Pacific Railway. Instead of helping to build up the country, they are using every means to decry it. It would seem as if the party with which my hon. friend is connected cannot prosper without endeavoring to show that the country is being ruined.

The motion was agreed to and the Bill was read the second time.

RIVER ST. CLAIR RAILWAY BRIDGE AND TUNNEL COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (8), "An Act respecting the River St. Clair Railway Bridge and Tunnel Company." He said:—This is a short Bill which provides for an extension of the time for the commencement and completion of the works of this company. The River St. Clair Railway Bridge and Tunnel Company were incorporated for the purpose of building a railway bridge and a tunnel to connect the Province of Ontario with the State of Michigan. The authority to construct the bridge was repealed in the 45th year of Her Majesty's reign, by chap. 70; but the repeal was not to affect the power conferred to construct, maintain and manage the tunnel under the river, and the time for the completion of that work was extended to the 17th May, 1885, for commencing and the 17th May, 1888 for completing the said work. The petitioners who are the provisional directors of the company, beg that an Act may be passed for the extension of the time for the commencement and completion of the work for three years and six years respectively from the passing of the Act.

The motion was agreed to, and the Bill was read the second time.

THE DAVIS DIVORCE BILL.

REPORT OF THE COMMITTEE ADOPTED.

HON. MR. DICKEY moved the adoption of the report of the committee to whom was referred Bill (C), "An Act for the relief of Amanda Esther Davis." He said: The House will readily understand my diffidence in rising to make this motion. I was in hopes that they would allow the hon. member who had charge of the Bill to move the adoption of the report. It is an unpleasant duty to make this motion, because the report of the committee leads to the dissolution of the marriage. At the same time, I am free to say if there ever was a case in which adultery should form the ground for a dissolution of such a union it is the one which is now before the Senate. It was truly a sad case. Besides instances of cruelty of the most unnatural character between husband and wife, adultery and desertion, there were other grounds which would have been sufficient to warrant the committee in reporting in favor of a dissolution of the union. We had evidence so ample and so full of unpleasant details that we deemed it improper to be put upon the journals of the House—evidence shewing that even before the usual honeymoon had passed away, the respondent, by his own admission to a friend who testified under oath (a disinterested man, a detective from Montreal), that he had broken his marriage vow. We have the clearest evidence—evidence of two of the participants and outside evidence besides—that for a period of a year an a half, at all events, the respondent was living in open violation of the moral law, in a brothel in Boston, with a notorious woman. I therefore move the adoption of the report.

HON. MR. KAULBACH—I do not rise to oppose the report of the committee, but to confirm all that has been said by my hon. friend from Amherst. This is a very important matter, as all these divorce cases are, and it is left to us as the highest tribunal in the land to deal with it. To grant a divorce is to break more than a civil contract, and I think that great caution should be exercised by the members of this House before passing such a measure. I for one would require very strong evidence before consenting to the rupture of the marriage tie. It is very unsatisfactory in this case that the evidence should be in the hands of only a few members of this House. Probably not one-third of them have read the evidence. Of course they heard the statement of my hon. friend and myself; yet in a matter of this kind, when we are dealing with such sacred rights, I think some better mode should be adopted to give every member of the Senate access to the evidence. Of course it is presented in a book, but I should like to see it in the Journals of the House, if it could be done without giving publicity to the details outside. No judge in any case, even a matter of pounds, shillings and pence, would decide without reading the evidence; and I think, in a matter of such great importance as this, every member should be in a position to read the evidence before giving his vote upon the Bill. Whenever there is the slightest evidence which might be considered objectionable to ordinary readers, it is put into a book by the committee, and very few members have access to it. In this case I do not think there are a dozen members in this Chamber who have seen the evidence; and I contend that in a matter of such importance, it should be before every member who cares to see it. The report was made on Friday last, and now, at the very next meeting of the House, we are asked to decide the case. I think the time is too short and, at all events, that there should be some delay before asking the House to take this step; time should be given for every member to form his own conclusions on the evidence that has been adduced.

HON. SIR ALEX. CAMPBELL—I do not agree with the remarks of the hon. member from Lunenburg. The evidence on which the committee have decided this case has been on the table of this House. The only thing that can be said about it is that it has not been printed. From the remarks which have been made by the hon. member from Amherst, the chairman of the committee, the evidence is not of such a character that it would make it desirable that it should be

printed or that it should appear on the Minutes of the House. When the Senate adopted the present practice it was for the purpose of avoiding the inconvenience, and the injury to public morals and public feeling, of having these stories told at the Bar of the House and circulated through the country. It was for the very purpose of having this necessary duty discharged in a manner more congenial to the public feeling and to our own feelings that this plan of having committees was adopted; but if we follow the suggestions now made by the hon. member from Lunenburg we should do away with all the good that we have accomplished. Instead of an investigation of this character being confined to the committee and listened to only by those gentlemen whose duty it is to see whether there is sufficient ground to warrant them in reporting in favor of the Bill or not, it would be placed on the table of this House in print and circulated everywhere. My hon. friend could not prevent it going to the public. We have no control over the men who print the papers, and the evidence would be circulated all over and the good we hope to accomplish by appointing select committees would be lost. As it is now, we have the report of the committee whose members are chosen by the House; for the most part, I think I may say in every case, the chairman of the committee is a professional man. In this particular instance the hon. gentleman from Amherst, who, as we all know, stands deservedly high in his profession, was the chairman. We can in this case, or in fact in the face of any committee dealing with those subjects, assume that when they decide on a case, and when no member of that committee rises to throw a doubt on its decision—when it is their unanimous conclusion—when we are told that the facts elicited place the question beyond a doubt, and when they are facts which the chairman of the committee does not think proper to mention even, surely we can allow in such a case the report of the committee to go, without laying on the table of the House, or having printed evidence which cannot possibly do good to anyone, which may do a great deal of harm to youthful minds, and the necessity for which can be obviated by any gentleman who takes a keen interest in the matter reading the manuscript for himself. If the hon. gentleman from Lunenberg desired he could have read the manuscript, and thus have obtained all the information, but we have the unanimous conclusion of the committee, and we have the opinion of the chairman, which I think ought to be sufficient.

HON. MR. KAULBACH—I may explain that I was a member of that committee, and therefore do not require to read the evidence myself, and, I may add, I fully endorse the conclusion at which the committee arrived. I do not wish to give the evidence to the public as we had it in the committee, but at the same time I think when every member of this Chamber is a judge of that evidence, we should not be required to take the report of the committee as conclusive without seeing the evidence for ourselves. In a case of appeal from a judge to an appellate court the judges would not be guided by the decision of the lower court, but every member of the bench would read the evidence and satisfy himself as to the merits of the case; and surely a similar course ought to be followed in matters of such grave importance as the severance of the marriage tie. I believe we are going very far when we take it upon ourselves to separate people who are joined together in holy matrimony, and that we should before doing so, have an opportunity of examining the evidence carefully and giving our votes with a full knowledge of the question at issue. The report is made on one day, it is taken up the next and probably the Clerk of the House only brings it in with him when he comes; I do not believe half a dozen gentlemen outside of the committee have seen the evidence since it passed into the hands of the Clerk. While I highly approve of the decision of the committee, I think in a matter of such importance as this there should be a longer delay before the House is asked to adopt the report, and every gentleman should have an opportunity to read the evidence before forming his opinion.

HON. MR. ALMON—I think there would be a great deal in what the leader of the Government has said on this subject if the committee were the sole judges, but they are not. I have no wish to hear

the evidence. I have never listened to a divorce case unless when I have had the misfortune to be one of the jury. In the Nicholson case I was a member of the committee, and there was a great difference of opinion among us. I was in the minority and very strongly impressed with the correctness of my views. Now, if I am asked to vote on a question which I know nothing about, I may be voting for something which, if I understood it, I might not approve of. The hon. leader of the House says that the evidence is on the Table of the House, and I have an opportunity to see it. I was not aware of that fact and have not seen it. In this case I shall certainly decline to vote as I have not seen the evidence, and I should be doing a very wrong thing to vote on the question on which I have no information except from hearsay.

The motion was agreed to on a division.

THE PRINTING OF PARLIAMENT.

THIRD AND FOURTH REPORTS OF THE COMMITTEE ADOPTED.

HON. MR. READ moved that the third and fourth reports of the Committee of both Houses on the Printing of Parliament be adopted.

The motion was agreed to.

BILL INTRODUCED.

Bill (9), "An Act respecting the Canada Southern Company and Erie & Niagara Railway Company." (Mr. Plumb).

THE HATZFELD DIVORCE BILL.

PETITION AND MOTION

HON. MR. BOTSFORD presented the petition of Anna Maria Hatzfeld praying that by order of the Senate she may be supplied with means by her husband to maintain her just defence in opposition to the petition of her said husband for divorce.

The petition was received.

HON. MR. BOTSFORD moved that said petition be referred to the Select Committee to whom was referred the Bill for the relief of Georg Emil Louis Hatzfeld.

The motion was agreed to.

The Senate adjourned at 4:40 p.m.

HON. MR. ALMON.

THE SENATE.

Ottawa, Tuesday, March 3rd, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

RUSH LAKE AND SASKATCHEWAN RAILWAY AND NAVIGATION COMPANY.

PETITION PRESENTED.

HON. MR. DICKEY—I beg to present the petition of Thomas W. Scoble, for himself and others, for leave to bring up a petition for an Act to incorporate the Rush Lake and Saskatchewan Railway and Navigation Company notwithstanding the expiry of the time for bringing up petitions for Private Bills. The petitioners seem to have been acting under the apprehension that exists in a good many quarters that under the 56th rule there is no necessity for the presentation of a petition here for a Bill coming to this House from the other Chamber. I believe there are some doubts about it, but in deference to the feeling of members of the Senate on the subject, the promoters of the Bill now beg to present a petition asking leave to bring up a petition here for the legislation which they desire. They had some difficulty in obtaining the signatures of all the parties, and some of them reside in the North-West Territories, and the result has been that they were not able to get the petition here within the time fixed by our rules. Their object simply is to ask by this petition for leave to be permitted to present a petition for the Bill. With the leave of the House I present the petition and move that it be now read and received.

HON. SIR ALEX. CAMPBELL—It seems to me there is no doubt that there should be a petition to both Houses with reference to every Private Bill. I think that that is the true construction of our rules and the practice of Parliament. I see no objection to this petition, the object of which is to ask leave to bring up a petition in respect to the passage of this Bill.

HON. MR. DICKEY—This application was made on the practice of last year in the case of the Netherlands Company. I have taken the same course now that was followed then. In the discussion which took place on that occasion the question came up as to the propriety, or rather the necessity of a petition being presented to this House. I did not raise that question then in any way, nor do I now: I merely ask to have that petition read. It will then go before the Committee on Standing Orders and Private Bills, and they will report whether, in their opinion, the petition should be presented.

The motion was agreed to.

BILL INTRODUCED.

Bill (I), "An Act to amend the Act to incorporate the Sisters of Charity of the North-West Territories." (Mr. Girard).

THE INDUSTRIES AND MANUFACTURES OF CANADA

INQUIRY.

HON. MR. MACDONALD rose to call attention to the report of the Commission issued by the Government last year to enquire into the effect of the Tariff of 1879, on the Industries and Manufactures of the country, and ask the Government whether the report will be furnished to Members of the Senate and a certain number to the country. He said: It may not be generally known that a commission was issued last year by the Government to collect statistics relative to the manufactories and industries of the country, and to enquire into the effects of the tariff of 1879 on these industries.

I have therefore assumed the responsibility of bringing the most salient features in the report to the notice of the House, and through this House to the notice of the country. I consider it a report of too much importance not to be made as public as possible, and too important to be pigeon-holed and lost to the country.

I have also thought it well to bring forward this report, as unfavorable statements are frequently made of the condition of the country, its trade and manufactures; for whether the country is in prosperity or adversity, there are always persons to be found amongst its citizens, who, from exigency of party, or other insignificant causes, are unpatriotic enough and always too ready to decry the country—not content with a legitimate criticism of the policy of the Government of the day, of which no one could complain. Such persons resort to every means to injure the country and decry the conditions attached to the very soil itself which cannot be altered by any policy. They injure it in the eyes of intending immigrants, of capitalists, and commercial men abroad; they declare taxation to be higher than in the United States, the cost of living to be greater than formerly, work to be scarce, and wages low. Whereas the facts are that flour and bread, tea and sugar, never were cheaper than now. American flour coming in at $2.75 duty paid—a fair amount of labor is to be had, and wages are higher than they have been for a number of years as I will show presently.

One of the gentlemen who makes those assertions, the ex-Minister of Finance, admitted at a meeting held last December in Montreal, where he delivered a long and able address from his stand-point, that had he not been over-ruled by the Cabinet, he himself would have increased the taxation in 1876; and I daresay that gentleman is very sorry he was not allowed to carry out his proposal. It may be true that taxation has increased, which is a natural consequence of the expanse of the Dominion, the wider area to be governed and the increased construction of national works. As all our ills are attributed to our fiscal system, let us compare taxation in free-trade England with that of protectionist Canada. Taking the population of England at 35,000,000 and the taxation about £89,000,000—equal to about $11 per head. I will take the population of Canada at 4,500,000, and the revenue at $35,000,000—equal to about $7.75, a difference in favor of Canada of $3.25 per head. I will take the United States, with a population of 50,000,000, and the taxation at $398,287,581, this will be equal to $7.96 per head, being 21 cents per head higher than in Canada—so that Canada bears a very favorable comparison with these two Anglo-Saxon nations, England and the United States, in the matter of taxation.

In order herefore to counteract the evil effects of such representations, not founded on facts, I think hon. gentlemen will agree with me that the actual condition of our industries and manufactories should be made known far and near; that the expansion of our internal trade, the increase in production, the increase of invested capital, the increase in the number of persons employed in industrial pursuits, the increase in wages, and the correspond ing increase in the savings of the people should be made as public as possible; and I venture to say that the report of the Commission will be found highly satisfactory to all who wish the country well.

Hon. gentlemen will remember the unfortunate condition of this country from 1874 to 1879. No doubt that period is painfully fixed in the minds of many persons. The stagnation in trade—factories running half time and some entirely closed; bankruptcies day after day; strong, able men and women demanding work and begging for bread; when soup kitchens had to be established, and bread dispensed at the corners of the streets: those were dark days. But I do not propose to hold the Liberal Administration, which was in power during that period, entirely accountable for such a lamentable position of affairs, as there were circumstances unfavorable to general prosperity over which it had no control; but it can very properly be held responsible for making no efforts to improve matters—for having no wise, well-defined policy with regard to the commerce and great public works of the country. It can justly be charged with borrowing largely, and accumulating deficits, and with wasteful expenditure on useless works.

For such acts of omission and commission the Liberal Government will always be held responsible by this country.

But with the change of administration in 1878-9, and the inauguration of the present fiscal system, came the dawn of a new era; the country seemed to rise with a bound from its despondency; the cloud of depression rolled back; confidence was restored; capital formerly shrinking from investment was liberated and placed freely in productive enterprises in the belief that the country was ruled with a firm hand, and that reasonable efforts would be made to promote manufactures and retain the home market for the manufacturer and farmer, and that free of extra cost to the consumer. The people had confidence also that the great public works of the country would be carried on with a determination and courage which would be crowned with a successful completion.

When the present system of moderate protection was introduced many were doubtful as to its successful working, and many predicted failure, but the Government, through good report and evil report, held to its purpose steadily, and the report, hon. gentlemen, to which I have directed your attention more than justifies the expectation of the Government and Parliament which framed the tariff of 1879.

The Liberal party in Parliament, and out of Parliament, year after year condemned the present fiscal system, and by taunts and challenges maintained that the voice of the country was against the Government and the National Policy. In the face of such assertions and challenges the Government did not halt or waver, but with a courage which must be admired, and with an abiding faith in its policy went to the country a year before the statutory expiry of the fifth Parliament, the result being a triumphant return to power of the Conservative party, and its policy sustained by the country, whilst many of its prominent opposers were left at home high and dry. At this stage, then, after such an endorsation, our present fiscal system becomes as much the accepted policy of the whole country as it is that of the Government. During its first period of trial the Government was certainly responsible for its operation, but after a trial of three years, the country was given the opportunity to uphold or condemn, and by upholding it in so un mistakable a manner the Government was to a great extent relieved of its first responsibility. I do not pretend to say that we have no poor and unemployed persons now. Such an unfortunate class there will be in every country however prosperous, but there can be no comparison between the condition of the people in the period from 1874 to 1879 under the Liberal Government, when the country was not prosperous, and the period from 1879 to 1884 under the Conservative Government when the country was prosperous.

The money expended on the public works of the country has such a direct bearing on the consumption of our productions that I may be pardoned for briefly alluding to that subject.

Many persons assert that importations of merchandise enrich a country ; I am not going to combat that assertion now, but it will be apparent if such is the effect, with regard to merchandise, the circulating power and benefits of which are limited, what must be the benefit of importing large sums of money with its great circulating power, judiciously spent in works which contribute to the national wealth, it must be a great boon —circulates freely and reaches all classes, stimulating production and manufacture, providing work for all, from the highest class artists to the lowest class laborer.

The expenditure of large sums of money on our public works, is not for our immediate requirements, but in the furtherance of a far-reaching policy, having for its object the preparing and fitting of this large country (by opening land and water communication throughout its length and breadth and in various other ways), for the large population with which it is destined to be peopled ; and the money imported or borrowed for such purposes may justly be left for repayment to people yet unknown and to thousands yet unborn, who may at some future time partake of its benefits.

We have in this country, hon. gentlemen, what is wanting in Europe viz : millions of acres of fertile land, free and at low and nominal prices, ready for occupation. And Europe possesses what we do not, viz : millions of a teeming or surplus population anxious to improve their condition. And one of the most important duties devolving on our Governnment is to bring those two elements together. And as the land cannot be taken to the population, the population must be brought to the land. This subject deserves every attention at the hands of the administration.

I will now give a brief outline of the statistics taken from the report of the Commission to which I have referred :—

The commissioners were not able from want of time to go over the whole of the Dominion so that the report falls short of the actual condition of things.

Some of the newspapers of the Liberal Party have endeavoured to impugn the accuracy of the report, and to neutralize its effect in the country ; but they have not been able to place their finger on any one figure, or group of figures, and say this is wrong, or that is wrong. So that the figures which I will place before the House may be taken as a reliable statement of the absolute condition of the industries to which they refer.

THE FOUNDRY BUSINESS.

1. *Foundries.*—Of these 45 furnish figures; 33 being started prior to 1879, and 12 commenced operations since that time. This class includes the manufacture of stoves, furnaces, ornamental iron work, sinks, pipes, hollow ware, car wheels, malleable iron work, carriage, saddlery and builders' hardware, and all kinds of castings :

	Fct's	H'ds	W'gs	Prod't	Capt'l
Factories 1878..	33	1,804	$ 697,100	$1,962,400	1,865,500
Same factories 1884..	33	2,907	1,186,900	3,484,200	2,913,000
New factories 1884..	12	389	157,400	528,000	274,500
Increase of 1884 over1878	12	1,492	647,200	2,049,800	1,322,000

It will be noticed that the rate of increase in the number of hands is 83 per cent. The average wages in 1878 were $386.36, and in 1884 $407.94, an increase of $21.58 per hand. The production has increased in a greater ratio than the number of hands, showing that by means of better appliances and facilities brought into use by reason of the larger trade to be done, each man produces more now than six years ago.

In this line of business there is some competition yet, but upon the whole the the trade is in a satisfactory condition.

FURNITURE FACTORIES.

2. *Furniture Factories.* — Statistics were obtained from 43 of these, of which number 30 were in existence prior to 1879, and 13 have started since. This class includes the manufacture of general lines of furniture, and mattresses and upholstering work.

	Fct's	H'ds.	W'g's.	Prod't	Cap'l.
Factories 1878...	30	1,325	$462,200	$1,198,600	$1,378,500
Same factories 1884...	30	1,753	652,000	1,779,500	1,533,300

	Fct's	H'ds.	W'g's.	Prod't	Cap'l.
New factories 1884...	13	379	148,700	452 000	137,000
Increase of 1884 over '78	13	807	339,300	1,032,900	291,800

The hands employed in this trade have increased by nearly 61 per cent. The average wages in 1878 amounted to $348.83, and in 1884 to $370.73, an increase of $21.90. There is also an increased production per hand in this business owing to the improved plant and machinery used in the manufacture of articles of furniture. There is some competition still in this business with the United States owing to discriminating freight rates.

MACHINERY.

3. *Maufacturers of Machinery.*—Of these, figures were furnished by 63 firms, of which 53 were started prior to 1878, and 10 since that date. All the descriptions of machinery are included in this class; engines of all kinds, sawmill, wood-working, flour-mill, hydraulic, iron-working, knitting, boot and shoe, sewing machines, and boilers, where the building of these is united with engine work. Where boilers alone are made they are classed in with manufactures of iron.

	Fct's.	H'ds.	W'g's.	Prod't.	Cap'l.
Factories, 1878...	53	2,093	$755,400	$2,231,300	$2,273,500
Same factories, 1884...	53	3,334	1,241,800	3,593, 700	3,185,500
New factories, 1884...	10	357	145,700	351,600	294,000
Increase of 1884 over '78	10	1,598	632,00	1,714,000	1,206,000

The hands employed in this branch of manufacture have increased 76 per cent. The wages, which in 1878 averaged $360.91, had risen in 1884 to an average of $376.18, an increase of $15.27. In special lines of machinery there is yet some competition from the United States, but in the general lines the trade may be said to be entirely in the hands of Canadian manufacturers. Some firms are doing an export trade to a limited extent with South American countries. In sewing machines there is a steadily increasing trade, and a branch of the Singer Manufacturing Company has been established in Montreal, giving employment to a large number of artizans.

IMPLEMENT FACTORIES.

4. *Agricultural Implements.*—Figures were obtained from 57 of these works, 39 of which were established prior to 1879, and 18 since. Under this head there is included the manufacture of self-binders, reapers, mowers, horse rakes, seeders, harrows, ploughs, scrapers, rollers, cultivators, fanning mills, threshing machines, and general harvesting machinery.

	Fct's.	H'ds.	Wages.	Product.	Capital.
Factories, 1878...	39	1,718	$670,900	$2,627,000	$2,290,000
Same factories 1884...	39	2,700	1,076,800	4,757,000	3,750,000
New factories, 1884...	18	519	197,500	671,500	608,500
Increase of 1884 over '78	18	1,501	603,400	2,801,500	2,068,500

The number of hands employed has increased 87 per cent. The wages averaged in 1878 $390.51, and in 1884 $395.86, an increase of $5.35. As accounting for this small increase of wages when compared with other branches of the iron trade, it may be stated that much more of this kind of work is now being done by machinery than was formerly the case. Owing to the largely increased demand, greater facilities for turning out the work had to be provided, and in this way an unskilled man is now doing with a machine what a skilled mechanic formerly did by hand. That this is the true explanation is also found by analyzing the figures of production, when it will be seen that the output has increased over 106 per cent., or $1.57 per hand, showing conclusively that machine work must have largely replaced the hand work of former years. The large increase in the capital invested also points in the same direction.

In the older provinces the market for these implements is monopolized by the home manufacturer, but in the North-West, in spite of the recent increase of duty, there is still some United States competition.

IRON MANUFACTURES.

5. *Miscellaneous manufactures of iron.*—Statistics were obtained from 64 of this class, of which number 43 were in existence prior to 1879, and 21 have been started since. This class includes rolling mills, manufacturers of nails, iron bridges, edge tools, iron pumps, hammers, machine knives, axles, files, saws, taps and dies, safes, scales, cutlery, springs, bolts and nuts, screws, garden and land harvesting tools, boilers, etc.

	Fct's.	H'ds	W'g's.	Prod't.	Cap'l.
Factories 1878...	43	1,910	$ 679,700	$2,459,600	$2,464,500
Same Factories 1884...	43	2,801	1,094,400	3,901,700	3.294,500
New Factories 1884...	21	1,162	519,800	2,306,300	887,700
Increase of 1884 over'78	21	2,053	934,500	3,748,400	1,717,700

The number of hands employed in this class has increased by 107 per cent., while the average of wages has advanced from $355.86 in 1878, to 407.31 in 1884, an increase of $51.45. The foreign competition in axles, and garden and harvest tools, has been very keen, owing to the fact that prison labor is employed in their manufacture in the state prisons of New York, Michigan, Ohio and Iowa; and Canadian manufacturers think that some steps should be taken to keep the production of this class of foreign labor from entering into competition with the product of the toil of honest artizans in this country.

TOBACCO AND CIGARS.

6. *Manufactures of Tobacco and Cigars.*—Of these establishments figures were obtained from 21, 15 of these having been started prior to 1879 and six since.

	Fct's.	H'ds.	W'g's.	Prod't.	Cap'l.
Factories 1878...	15	1,165	$234,800	$1,009,000	$456,500
Same factories 1884...	15	1,939	369,300	1,437,500	525,500
New factories 1884...	6	172	49,500	206,000	36,000
Increase of 1884 over '78	6	946	184,000	634,500	105,000

The number of hands in this class has increased by 81 per cent., and the wages, which in 1874 averaged $201.54, had decreased to $198.38 in 1884, an apparent difference of $3.16. There were, however, scarcely enough of these factories visited to obtain a thoroughly correct idea of the state of trade and wages prevailing. It may be that in this business a smaller class of labor is coming into use, and if this is a correct surmise it would account for the difference.

THE KNITTING INDUSTRY.

7. *Knitting Factories*—Statistics were obtained from twenty of these industries, ten of which were in existence prior to 1879, and ten have started since that date.

	Fct's.	H'ds.	W'g's.	Prod't.	Cap'l.
Factories 1878...	10	611	$134,500	$ 579,500	$502,000
Same factories 1884...	10	1,118	258,500	1,066,500	788,000
New factories 1884...	10	625	138,500	687,000	444,000
Increase of 1884 over '78	10	1,132	262,500	1,174,000	730,000

The number of hands employod in this class of work has increased by 185 per cent., and the wages, which in 1878 averaged $220.13, in 1884 were $227.82, an increase of $7.69.

Before the change in the fiscal policy these goods were largely imported from Great Britain, but advantage was soon taken of the opportunity then given to make these articles in Canada, and a wonderful increase in the output here was the immediate result. The importations were soon stopped, and it took but a short time to ascertain that the production had gone beyond the consuming power, but experience will rectify that evil.

LEATHER, BRUSHES AND BROOMS.

8. *Manufactures of Leather, Brushes and Brooms, and Rope.*—In this class figures were obtained from 25 factories, 18 of which were in existence prior to 1879, and 7 have started since that date. The class includes the manufacture of brushes brooms, leather belting, trunks, rope, buggy tops, card clothing and leather.

	Fct's.	H'ds.	W'g's.	Prod't.	Cap'l.
Factories 1878...	18	550	$139,500	$928,000	$590,000
Same factories 1884...	18	1,204	311,000	1,951,000	865,000
New factories 1884...	7	213	51,300	203,000	102,000
Increase of 1884 over'78	7	867	222,800	1,226,00	377,000

The number of hands in this class has increased 157 per cent.

THE WOOLLEN INDUSTRY.

9. *Woollen Factories.*—Of these figures were obtained from 54, 35 of which were started prior to 1879 and 19 since that date. This class includes all kinds of woollen fabrics, yarns, carpets and dress goods.

	Fct's.	H'ds.	W'g's.	Prod't.	Cap'l.
Factories 1878...	35	1,790	$429,350	$2,022,400	$1,900,000
Same factories 1884...	35	2,275	584,600	2,960,600	2,353,000
New factories 1884...	19	1,138	268,800	1,270,500	933,500
Incr'se of '84 over 1878...	19	1,623	404,050	2,108,900	1,386,500

The employees in this class of manufacture have increased at the rate of 91 per cent., while the wages would appear to have changed very little. In 1878 the average was $239.86, and in 1884, $244.18, an increase of $4.32.

Previous to 1879 there was a very large importation of these goods from England, and the competition from there is still felt to a limited extent, but experience is rapidly enabling Canadian manufacturers to compete successfully with these English-made goods.

10. *Miscellaneous Manufactures of Wood*—Figures were obtained from 29 establishments, of which 17 were started prior to 1879 and 12 since that date. The class includes picture frames, show cases and waggons, baby and toy carriages, carriage wood work, carriages, cars, spools, bobbins, snaths and lasts.

	Fct's.	H'ds.	W'g's.	Prod't.	Cap'l.
Factories, 1878...	17	966	$318,250	$1,487,000	$807,500
Same factories, '84	17	1,085	420,100	1,980,300	1,091,100
New factories '84	12	340	116,200	414,000	260,000
Increase of '84 over '78.....	12	659	218,050	907,300	535,600

The hands employed have increased at the rate of 68 per cent. One firm was met with in this class who manufacture snaths, and who previous to 1879 was located in Vermont, from which state they shipped their goods into Canada. After the change was made in the tariff they removed their works to Canada, and are now supplying the trade at prices 33⅓ per cent. lower than when their goods were sent in from the United States. A firm included in this class has recently commenced the manufacture of canoes, and are making such beautiful and finished articles that they are in demand in England and the United States, to which countries quite a number have been exported. A trade which at one time promised to attain considerable proportions was the export of buggies and carriages to Australia, but owing to the very heavy freight rates it has dwindled away to comparative insignificance.

CONFECTIONERY, ETC.

11. *Confectionery and Biscuit Manufacturing.*—Nineteen of these works furnished statistics, of which number seventeen were started prior to 1879, and two have been established since.

	Fct's	H'ds	W'g's	Prod't	Cap'l
Factories, 1878...	17	715	$195,200	$1,715,500	$646,500
Same factories, 1884...	17	1,072	300,500	2,603,300	975,000
New factories, 1884...	2	37	8,600	74,000	24,000
Increase of 1884 over '78	2	394	113,900	961,800	352,500

The number of hands finding employment in this branch of manufacture has increased by 55 per cent. The wages averaged $273 in 1878 and $278.71 in 1884, an increase of $5.71.

BOOTS AND SHOES.

12. *Boot and Shoe Factories.*—Sixty factories furnish statistics in this class, forty of which were started prior to 1879, and twenty have been established since. The class includes the manufacture of all grades of boots and shoes and parts thereof.

	Fct's.	H'ds.	W'g's.	Prod't.	Cap'l.
Factories, 1878...	40	5,119	$1,358,700	$5,919,000	$2,544,000
Same factories, 1884...	40	6,606	1,791,600	7,693,000	3,009,500
New factories, 1884...	20	1,719	503,300	2,061,000	378,500
Increase, of 1884 over '78	20	3,206	936,200	3,835,000	844,000

The hands employed in this industry have increased by 62 per cent. The wages in 1878 averaged $265.42, and in 1884 the average was $275.66, an increase of $10.24.

The history of the boot and shoe manufacturing industry in Canada is an interesting one. Previous to 1859 the trade was supplied principally by United States manufacturers. In that year the duty was raised from 12½ to 25 per cent. This measure of protection wonderfully

stimulated the growth of the manufacture in Canada, and from that time forward the progress has been steady; each year has witnessed a larger output than its predecessor in the medium and coarse grades of work. The trade in the finer lines was still done by the United States dealers, and it has been only during the last two or three years that any considerable quantity of these lines have been produced in Canada. Now the gross importations are an inconsiderable portion of the consumption, and, were it not for the fact that prices to Canadian dealers are much below the regular price on the other side of the boundary line, this would be cut off altogether.

METALS AND TINWARE.

13. *Miscellaneous Manufactures of Metals.*—In this class 33 industries furnish figures; 18 of these were started prior to 1879, and 15 since. The class comprises the manufacture of wire goods, chandeliers, silver-plated ware, pins, spring beds, brass works, lanterns, pressed and stamped tinware, bird cages, watch cases, lightning rods, rivets and type.

	Fct's.	H'ds.	W'g's.	Prod't.	Cap'l.
Factories, 1878...	18	990	$310,400	$1,092,000	$ 795,000
Same factories, 1884...	18	1,274	408,600	1,503,500	1,032,000
New factories, 1884...	15	522	190,200	762,500	419,000
Increase of 1884 over '78	15	807	288,400	1,174,000	656,000

The increased number of hands in this class reaches 81 per cent. As the kind of help employed in the various industries of this class is very similar, the contrast in wages for the two periods is given. In 1878 the average wages amounted to $313.63, and in 1884 it was $333.42, an increase of $19.69.

In the manufacture of stamped tinware considerable progress has been made during the past six years. Deep stamped ware, which has been added in that time, supplies a considerable portion of the production, and employs quite a number of the hands. Spice packages, which were formerly imported filled, are now being made in Canada. A New York firm who are engaged in putting up sardines in New Brunswick, and who, previous to the change in the tariff, imported the decorated tin plates used in making the boxes from the United States, now purchase these plates in Canada.

THE MANUFACTURE OF PAPER.

14. *Miscellaneous Manufactures of Paper.*—Twenty-six industries furnished statistics in this class, of which number 14 are old established, and 12 were started since 1878. The class includes paper and pulp mills, the manufacture of paper bags and boxes and wall paper.

	Fct's.	H'ds.	Wg's.	Prod't.	Cap'l.
Factories, 1878...	14	697	$246,500	$1,338,000	$1,215,500
Same factories, 1884...	14	912	346,500	1,777,500	1,368,500
New factories, 1884...	12	640	188,200	1,137,000	793,000
Increase of 1884 over '78.	12	855	288,200	1,576,500	943,000

The increased number of hands employed amounts to 122 per cent. No comparison can be made between the wages of the two periods, as the rates vary so much between the men employed in paper and pulp mills and the small help engaged in the manufacture of paper boxes and bags, and the growth in the different lines not being uniform.

In the manufacture of paper the foreign competition now felt is from Great Britain and Germany, while in wall paper and paper boxes it is from the United States. The manufacturers of wall paper particularly complain of the unfair competition which they have to fight. Papers which are sold in the United States at 14 cents have been sold off in Canada at 5½ cents in order to close out lines. This industry has grown considerably during the past few years, and the papers now being produced in Canada are so tasteful in design and beautiful in colours that many of the patterns might almost be styled works of art.

A fine new mill has this year started operations at St. Jerome, at which writing paper is being made. This is the first home attempt made to supply the Dominion with that class of paper, the consumption of which is very large, and has hitherto been entirely supplied from outside sources.

MUSICAL INSTRUMENTS.

15. *Manufacture of Musical Instruments.*—In this class 23 industries furnish figures,

twelve of them being started prior to 1879, and eleven since that year. The class embraces the manufacture of pianos and organs and parts thereof.

	Fct's.	Hd's.	W'g's.	Prod't.	Cap'l.
Factories, 1878...	12	289	$120,700	$345,000	$159,500
Same factories, 1884...	12	956	447,700	1,397,000	647,500
New factories, 1884...	11	291	134,900	424,000	152,500
Increase of 1884 over '78	11	958	461,900	1,476,000	640,500

The increase in the number of hands in this class has reached the marvellous figure of 331 per cent., while the wages also show a gratifying increase, having risen from $417.64 in 1878 to $467.20 in 1884, a difference of $49.56.

This trade received great impetus from the increase made in the duties in 1879, and it has continued to grow and prosper up to the present date. No other industry better deserves success. The men who were the pioneers of the trade in Canada struggled bravely to overcome the disadvantageous position in which they were placed. They invested their money and spent the best years of their lives in an endeavor to promote the growth of this branch of manufacture, meeting with but indifferent and almost disheartening results. Now, owing to the wise fiscal policy prevailing, they are reaping to some extent the benefits which they so earnestly but ineffectually strove to obtain before 1879. The industry is one which largely benefits the country, as it employs very few hands who are not skilled mechanics, and mechanics who receive the highest average rate of wages of any class of operatives in the Dominion. If the Government had no other result to point to as an effect of the change of tariff than that achieved in this industry, it would in itself be a lasting monument to the wisdom and foresight of the people in approving, and the Ministry in adopting, the policy of encouraging native manufactures.

CLOTHING, ETC.

16. *Manufacturers of Clothing.*—Sixty-one industries furnish figures in this class, of which number 37 were established prior to 1879 and 24 have started since. The class is an extensive one, and includes the manufacture of woollen and cotton clothing, silk, felt, cloth and straw hats and caps, corsets, suspenders, gloves and mitts, shirts, collars and cuffs, furs, hoopskirts, etc.

	Fct's.	H'ds.	W'g's.	Prod't.	Cap'l.
Factories 1878...	37	3,602	$ 812,800	$4,217,500	$2,977,500
Same factories 1884...	37	5,674	1,307,000	6,641,000	3,973,000
New factories 1884...	24	1,165	246,400	1,327,700	456,000
Increase of 1884 over '78	24	3,237	740,600	3,751,200	1,451,500

The increase in the number of hands employed is within a fraction of 90 per cent.

The woollen clothing used in Canada was largely imported from Great Britain up to 1879; and even since that date the importations have continued, to some extent, in the lower grades of goods, but Canadian manufacturers are rapidly occupying the ground. In gloves and mitts there is some European competition still felt. In furs all the finer goods are now made in Canada, but in the lower priced goods there is some competition from the poorly paid labor countries of Europe.

GENERAL INDUSTRIES.

17. *General Miscellaneous Industries.*—Sixty-five factories furnish statistics in this class, of which number 32 were started prior to 1879, and 33 have been established since. This class necessarily includes a wide range of manufactures, the principal ones being sugar refining, silk, clocks, whips, wringers, emery wheels, gunpowder, buttons, preserved fruits, paints and varnishes, glass and pottery, mattresses, oil cloth, window shades, cork cutting, rubber clothing, jute, spices, etc.

	Fct's.	H'ds.	Wages.	Product.	Capital.
Factories 1878...	32	1,164	$332,900	$1,848,300	$1,491,500
Same factories 1884...	32	2,143	647,800	3,255,000	1,993,000
New factories 1884...	33	1,410	473,400	8,306,500	2,129,500
Increase of 1884 over '78	33	2,389	788,300	9,713,200	2,631,000

The number of hands in this class has increased by 213 per cent.

Amongst the most important industries in this class is the manufacture of silk. The one factory engaged in this industry has trebled its capacity since 1879, and is now doing the great bulk of the Canadian trade in the lines which they manufacture,

viz., threads and ribbons. One factory was started a few years ago for the manufacture of piece goods, but, unfortunately, the venture did not prove a success. It is expected, however, that another attempt in this direction will be made in a very short time, and, it is hoped, with more satisfactory results.

The button factories are turning their attention to exports, and one firm in this line succeeded in disposing of $12,000 worth of their goods in the United States during the first six months of 1884.

The sugar refineries employ a large number of the hands in this class, and it is owing to their figures being in this section that the production is so large. The prices of both raw and refined sugars were at the date of the visit to those industries, September last, lower than had been the case in any previous year since 1852.

THE COTTON TRADE.

18. *Cotton Factories.*—The number furnishing statistics is 17. 4 of which were in existence prior to 1879, and 13 have been established since.

	Fct's.	H'ds.	W'g's.	Product.	Capital.
Factories, 1878...	4	1,361	$276,000	$1,151,000	$1,800,000
Same factories 1884...	4	2,126	445,000	1,872,000	3,350,000
New factories 1884...	13	2,375	502,500	2,530,000	3,448,000
Increase of 1884 over '78.	13	3,140	671,500	3,251,000	4,998,000

The increase in the number of hands in this class has reached 210 per cent. The wages averaged $202.79 in 1878, and 210.28 in 1884. Increase, $7.49 per head.

All the factories in Ontario and Quebec were visited, and statistics obtained from each of them, with but one exception. The manager of the Dundas mill explained that he had no authority to give any figures with reference to the industry without the consent of the directors, and as none of these were easily seen and the date of closing the enquiry in order to prepare the report had arrived, this mill had to be left out. From what was learned through local sources, it may, however, be said that this will not affect the general result, as there has been but little change in this mill since 1878. The amount of work turned out, and the number of hands employed, were probably about the same in 1884 as in 1878.

It will be noticed at a glance what a remarkable difference exists in this class of industry between the two periods. Although for the past year or 18 months cotton manufacturing has been in a depressed condition, and mills have in but few cases worked the whole of their machinery or employed a full staff of operatives, there is still no comparison possible between the years 1878 and 1884.

In spite of the fact that some mills were closed down for a portion of the year of 1884; in spite of the fact that some of their machinery is standing idle—despite all the drawbacks which the trade has had to contend against—there were employed in that year in this industry, in the factories of Ontario and Quebec—leaving out of sight the large mills in the Maritime Provinces—3,140 more operatives than found work in 1878. And, moreover, although the hands employed have been working in, but to many cases on short time, and although by reason of the improved machinery now in use a smaller and cheaper class of labor can be employed, the figures show that the average wages paid was higher by $7.50 in 1884 than in 1878. May it not, therefore, with confidence be asserted that the object of the Government has been fully achieved, that work has been more plentiful and wages higher, even in this industry, than was the case previous to the change of tariff?

Many lines of cotton goods are now being produced in Canada which were not made prior to 1879, and amongst the most important of these is printed goods. The year 1884 witnessed the production of the first piece of printed cotton ever made in Canada, and, very appropriately, the presses were first made to revolve on the natal day of the Dominion.

These figures show that the last years have witnessed a marvellous growth in all branches of Canadian manufactures. That, during the progress of that growth, errors of judgment have occurred, caused by want of experience it would be idle to deny. But the requisite experience is being rapidly acquired, and may be depended upon to prevent similar errors in the future. It has been somewhere stated that no articles are now manufactured

in Canada which were not made here prior to the change of tariff. Even if this were true it would be no argument against the fiscal policy, as it has been proved that the effect of the change has been to so largely extend the operations of the old-established industries that for every operative engaged in manufacturing pursuits in 1878 two are so employed now; but the statement has not even the merit of truthfulness, as the following list of articles now made in Canada which were not made here in 1878, will show :—Iron bridge building, sugar refining, cotton printing, rice hulling, and the manufacture of cutlery, emery wheels, pins, clocks, hair cloth, enamelled oil cloths, jute, felt goods, organ reeds, writing paper, silver tableware, organ and piano key boards, Brittannia metal works, cashmere and other dress goods, glucose, steel and many lines of textiles in both cotton and wool. One or two works which were in operation in 1878 and are now closed down, were met with, the largest of which was the bolt works at the Humber river. As an offset to these, some works were visited which are just starting up, and could therefore furnish no statistics. Amongst these may be mentioned the Rubber Works and Sugar and Syrup Refinery at Toronto, Rosconi Wollen and Cotton Manufacturing Company at Acton Vale, Quebec ; wincey mill at Brantford ; paper and pulp mill at Sorel ; and the Taylor Manufacturing Company at Montreal. These works together would probably employ over 300 hands, and with a few others in like position would fully offset any little loss there may be in factories which were in operation in 1878, and are now closed down.

The report of the commissioner for the Maritime Provinces is equally interesting. But it will be impossible to give more than the results:—

	1878.	1884.	Increase
No. of hands,.....	14,925	21,813	6,888
Yearly wages, $..	5,658,833	7,484,365	1,825,531
Capital invested...	11,659,430	18,868,273	7,208,842
Yearly output....	15,832,182	25,603,066	9,770,884
Industries visited.	1,034	1,410	376

The following is a summary of the results of the investigations of the two commissioners, covering their examinations of the provinces of Ontario, Quebec, New Brunswick, Prince Edward Island and Nova Scotia.

	1878.	1884	Increase
No. of factories	467	725	258
No. of hands..	42,794	77,346	34,552
Yearly wages .	$13,833,733	$24,396,165	$10,562,432
Capital invested	37,819,931	67,293,373	29,473,442
Yearly output	49,966,282	102,870,166	52,906,884

The increases have therefore been as follows by per centage :

No. of Hands increased,.....	80.74	per cent.
Yearly wages "	76.35	"
Capital invested "	77.96	"
Yearly output "	105.90	"

The year just closed could hardly be considered the most favorable time for the Government to select to obtain statistics with reference to the general manufacturing trade of the Dominion. The depression which exists in all commercial countries, which is felt so severely in Great Britain and the United States, was certain to have some effect in Canada. The years 1882 and 1883 were probably the most successful periods ever experienced in the history of this country. Every class of industry, every branch of business was kept going to its utmost capacity, but by the end of 1883 a falling off became apparent, and from that time until the fall of 1884 a retrogression took place, which it is now firmly believed has been stopped. A much more hopeful feeling prevails at the present time, and with the care and caution which good business men are expected to exhibit called into play in trade matters, a successful, if not a brilliant, season may be looked forward to for 1885. That this success will spread itself over the manufacturing industries there is every reason to believe. Stocks have been very much depleted, and manufacturers are therefore in a position to secure the benefit of the first wave of the commercial revival. They are now in a position to supply the wants of the people in most branches of industry. The articles produced by the artizans of Canada in the various lines of manufacture are fully equal to the products of the industrial establishments in any part of the world. The mechanical appliances provided by the factory owners of the Dominion are the best that the skill of man has devised, and there is, therefore, every reason to stand firmly by the policy which has enabled this skill and this machinery to be brought into active use in Canada. If that policy is sustained, the future prospects of the manufacturing interests are assured ;

periods of dullness, as well as of extraordinary activity, may reasonably be anticipated, but the general result must be upward and onward. Take away that reasonable, and, in our trade position, necessary, measure of protection which is now enjoyed, and the effect must be an instant and utter obliteration of a very large portion of the capital now engaged in that pursuit, and disaster, distress, and misery to laboring classes.

Hon. gentlemen, my own belief is that no Government, Liberal or Conservative can recede from the present fiscal system, which has called into existence so many industries, unless on a reciprocal basis with other countries.

No country can afford to be free trade without overtaxing its own internal resources.

England is supposed to approach nearer free trade than any other country, but that she is so is an entire falacy. I will be able to show that customs duties levied by England are in excess per capita of that levied in the thoroughly protectionist group of European nations, comprising Austro-Hungary, Russia, Germany and France.

First,

Austro-Hungary, with a population of.....	37,786,346,	collects	£ 2,950,000
The Russian Empire, with a population of..	83,659,351	"	8,887,000
The German Empire, with a population of..	45,234,061	"	9,349,000
France, with a population of..	37,321,186	"	13,096,000
The United Kingdom, with a population of..	35,003,789	"	19,210,000

Every one of these countries is rank protectionist. There is not one of them but has a larger population than the United Kingdom of Great Britain and Ireland; yet there is not one of them that takes anything like so much from its subjects in customs duties as free trade England, which levies nearly half as much again as France, more than twice as much as Germany, more than twice as much as Russia, and nearly seven times as much as Austria. She alone levies as much in this shape from her citizens as Russia and Germany together, though they have nearly four times as many people to pay it. To put it in another way, every single British subject is taxed on his imports by customs duties half as much again as the Frenchman, nearly three times as much as the German, more than five times as much as the Russian, and more than six times as much as the Austrian.

HON. MR. POWER—Does my hon. friend think that the condition of those countries is better than that of England?

HON. MR. MACDONALD—I am not drawing any comparison of the kind. I am endeavoring to show that no country can afford to adopt a policy of free trade except on a reciprocal basis with other countries. I am showing that England, which is supposed to be a free trade country, taxes her people more than the people of protected countries are taxed.

These 19 odd millions of customs duties levied by free trade England are as follows:—

On tobacco there was levied in 1881	£8,658,947
On tea there was levied in 1881....	3,865,720
On spirits " "	4,443,607
On wine " "	1,376,219
On coffee " "	200,251
On other articles—such as cocoa, chicory, dried fruit, beer and ale, plate, and playing cards..	665,722
Total	£19,210,466

Now, taking the total declared values of the imports of each article, and the total duties levied thereon, we find that the duties levied in that free-import country were as follows:—

	Per Cent.
On wine, a luxury, at the rate of.....	3·7
On coffee, "	4 1
On tea, the solace of the middle classes, at the rate of.....	36·6
On spirits, at the rate of	222·2
And on tobacco, not a luxury, at the rate of.....	310·9

In the face of such figures I fail to see, and hon. gentlemen will fail to see, how England can claim to be a free trade country. Such being the case, I have proved my assertion that no country can afford to be free-trade, excepting on a basis of reciprocity.

HON. MR. SCOTT—The hon. gentleman who has just sat down put a question on the paper:—

That he will call attention to the Report of the Commission issued by the Government last year to enquire into the effect of the tariff of 1879, on the industries and manufactures of the Country, and will ask the Government whether the report will be furnished to members of the Senate and a certain number to the country.

Instead of putting his question the hon. gentleman has given us the report itself. As I was entering the Chamber I asked whether the report was out, and I was told that it was not. I asked Mr. Botterell, and he said that it was not printed. The hon. gentlemen has evidently got advance sheets of the report, because a great part of his speech has been merely reading the report, and after hearing it once I suppose none of us will consider it worth our while to read it over again. It certainly is a most unparliamentary proceeding for a member of the House to be furnished with advance sheets.

HON. SIR ALEX. CAMPBELL—My hon. friend is mistaken ; the hon. member has not been furnished with advanced sheets.

HON. MR. SCOTT — How does the hon. Senator have possession of the report then ?

HON. SIR ALEX. CAMPBELL—I do not know that any Senator has it. The figures appeared in the Montreal *Gazette* a few days ago.

HON. MR. MACDONALD—I have no advantage over other members of the House. The report came down in the House of Commons about a week ago. Directly I saw that it was down I went over and read the report there in the rough, and every member of this House had as good an opportunity as I had to get it.

HON. MR. SCOTT—The hon. gentleman has the report in the rough ?

HON. MR. MACDONALD—Yes.

HON. MR. SCOTT—Then I suppose now that we have had the report read to us here there is no necessity for printing it. It will appear in the hon. gentleman's speech in the official report of the debates. He is taking the House at a disadvantage. I will not inflict the Senate with my commentaries on the hon. gentleman's remarks. I am rather warned by the empty benches around me that if I should attempt to follow him I would run the risk of the House being counted out. But I cannot allow all the hon. gentleman's statements to go unchallenged lest it should be supposed that they are unanswerable. His speech must have been painful to those who have put money into those new industries to which he has referred. They must have felt rather uncomfortable to hear the eulogy he pronounced upon the National Policy. One would suppose to hear him that those industries were in the most flourishing condition. I can only account for the hon. gentleman's remarks by the fact that he has not been in the country for some time and is unacquainted with the true condition of affairs throughout the Dominion. He has been in England, or the Continent, during the last year and evidently he has not read the Canadian papers or kept himself posted as to the value of stocks in the country. He has taken up a one-sided report made by gentlemen delegated and named for the purpose of putting a roseate hue on the fiscal policy of the country. I am not in a position to contradict the figures furnished by the hon. gentleman, because I have not, nor has any other gentleman that I am aware of except himself, had an opportunity to analyze them. I have however, seen scraps from different newspapers published in towns where it has been reported that there has been an increase in the manufactories—statements challenging the correctness of the assertion and showing that the report is garbled and purely one-sided, that it is got up for certain purposes and is wholly unreliable. But, as I said just now, the hon. gentleman made some of his friends, at all events, feel uncomfortable when he spoke in such a laudatory way of the new factories. Taking up the *Journal of Commerce* of February 27th, I find the stocks of some of the most favored industries quoted as follows : The Canada Cotton Company's stock stands at 25 cents in the dollar ; the Dundas Cotton Factory, 30 cents in the dollar ; the Hudon Cotton Factory, a large concern with a capital of

$2,000,000, stands a little higher, 65 and something in the dollar. My hon. friend referred to the industries of Nova Scotia; his remarks must have agitated some of my friends here that I know have put a little money into some of those industries. Here is one of those industries, the Nova Scotia Sugar Refinery; I find its stock quoted at 25 cents in the dollar. What has become of the other 75 cents? I will not go through the whole list, but it is quite clear that the hon. gentleman has not read the pitiable accounts of operatives put on half-time, of employes put on half wages, of mechanics out of employment from one end of Canada to the other. A vast meeting was held in Toronto the other day to beg and implore the local Government to go on there with public buildings because artizans in this country could not get work anywhere to keep their families from starving. Soup kitchens have been established in different parts of the country; I notice there is one in the flourishing city of London. And this is the opportune time that the hon. gentleman takes for lauding the fiscal policy which was to bring prosperity by Act of Parliament! By increasing the taxation of the country some fifteen or twenty millions more, we were told that we were all to get rich. The hon. gentleman has not looked deep enough into the secret of our success and prosperity during the last five years. It is an easy matter to see where it comes from. It is no secret; it comes from sources that are open to every man to examine. I will not go into details because the House is, I am sure, tired of figures, but I will give our exports for the five years from 1875 to 1879 inclusive, and the five years from 1880 to 1884 inclusive. The gross exports, in round numbers, during the former period were $385,000,000, and during the latter period $477,000,000, a difference of $92,000,000. Does the hon. gentleman undertake to say that the National Policy is entitled to any credit for the increase during the latter period? No one who has a correct view of the subject can say for a moment that our exports were stimulated by the National Policy. Take the year 1879 for instance. We sold to the United States and England that year $13,700,000 worth of wood cut in our forests. In the year 1882 we sold nearly $25,000,000 worth of the same products, nerly 12 million of dollars more. Will any one tell me for a moment that our National Policy had anything whatever to do with that increase? I pay the House a higher compliment than to suppose for one moment that such a proposition could in the slightest degree be entertained by anyone here. In 1879 we sold of animals $14,737,000 worth; in 1882 we sold $21,400,000 worth, an increase of nearly $7,000,000. Did the National Policy induce the people of England to consume more of our mutton and beef that year? Take our agricultural products; the export in 1879 was $25,900,000; in 1882 it had risen to $35,500,000, an increase of nearly $10,000,000. No one imagines for a moment that the National Policy brought about this increased export. But where are our manufactures during these years? At a stand still. You take the manufactures during the last twelve years in Canada and you will find there is scarcely a variation of a million of dollars in any one year. I do not think in any year they came up to five millions of dollars; but they have varied between three and four millions. The increase in the manufactures of the country which the hon. gentleman has pointed out, and which I admit is the necessary and natural growth of any country, was perfectly natural; it was the result of our people having a large surplus of money, and of some one hundred millions in foreign gold being brought into the country. That is a large sum for a young country like Canada. It was due to these facts, and to the fact that our people were seduced by the Government into the belief that we could produce great prosperity by multiplying the manufactures over the country, and led to put their money into new industries, and that money has been swept away. Who of us that have invested our money in stocks of that kind would not be glad to have our money back again? I doubt very much if the largest portion of us would not very gladly get it back. I know there are a great many gentlemen within the range of my voice who feel that they would be rich to-day but for the National Policy. I say there never was so infamous and disgraceful a tariff established in any

country, never one which discriminated so unfairly.

HON. MR. PLUMB—Hear ! hear !

HON. MR. SCOTT—The hon. gentleman says hear ! hear ! It is quite proper to say hear ! hear ! because what I say I can emphatically prove if I chose to go into it—that this tariff was adopted for the purpose of favoring the few at the expense of the many ; and that that has been the result of its adoption. That is the effect of all tariffs unless the duties are very carefully distributed, and unless the industries of the country are most carefully and properly watched. That is sure to be the effect, not alone in this country but in all countries—I am speaking now on the broad principle of all tariffs. The tariff of the United States has been as great a curse to that country as ours has been to Canada. We can all point out where it has operated to enrich a few wealthy people and impoverish the many. Ours follows, in a smaller way, the tariff in that country, and I repeat that that is the effect which is produced by all tariffs. Duties, to be fair, should be equally levied on all classes of the people ; but our tariff benefits the few as a rule. It was framed very largely at the instance of the friends of the Government. In putting a tariff of that kind in force you cannot make it operate fairly or justly. Take the interpretation of the tariff at our Custom Houses all over the country ; we know the Department, as a rule, stands by its officers ; and what is the consequence? You do not find the ruling at any two ports in the country alike. A man who imports his machinery, or whatever it may be, at one point pays under a tariff different from that enforced at another point. I say this, and I can prove it, Facts have come under my own individual knowledge, and I speak whereof I know when I make that statement. I say therefore that a tariff which admits of such abuses is an infamous thing for the country to adopt. One of the first laws that ought to be enacted in this country in order that this unfair and unjust tariff might operate with some degree of reason and fairness, would be one embodying the principle which prevails in the United States, where if a party is dissatisfied with the ruling of the Customs Department he can appeal to the courts of law. After a given number of days he has a right to go into the courts ; and it is for them to say whether the goods he is entering should come under one item of the tariff or under another ; and the sooner we come to that condition of affairs the nearer we will approach to dealing justly with all classes of people. To say that a person who votes for the Government should get his goods in under a lower duty than one who opposes the Government is exceedingly unfair.

HON. MR SMITH—That is not the case.

HON. MR. SCOTT—It is true.

HON. MR. SMITH—I am sure the hon. gentleman is mistaken.

HON. MR. SCOTT—As I stand here it is true, and I can prove it.

HON. MR. SMITH—Name any instance.

HON. MR. SCOTT—I can do so, but I will not give it here. I will mention it to the hon. gentleman if he likes.

HON. SIR ALEX. CAMPBELL—If anything of the kind has happened it is an accident. The hon. gentleman cannot accuse us of an intention to do an unjust act.

HON. MR. SCOTT—I say the sooner we have a law by which the decision will be ultimately rendered by an independent tribunal the better it will be for the country. I do not say that the members of the Government will misconstrue anything designedly, but my hon. friend knows that the invariable rule is to stand by the officers of the Department, and they interpret the tariff in a manner that is favorable to the Government. If a person is known to be friendly with those in high places, to have friends at the seat of Government, the chances are that he is dealt with on a good deal more generous principles than one who is known to be hostile.

HON. SIR ALEX. CAMPBELL—I do not think my hon. friend means to make that charge against the Government. His statement is that friends of the Government get in their goods at one duty and opponents of the Government at another duty. I am sure he does not mean to charge us with that.

HON. MR SCOTT—I speak from my own information when I say that I know articles have been entered at one port at one duty and under one classification, and the same kind of articles have been entered at another port under a different duty and a different classification.

HON. SIR ALEX. CAMPBELL—That is a very different thing from the charge the hon. gentleman made in the first place.

HON. MR. SCOTT—The goods were the same in every particular, and yet they were subjected to different rates of duty at different ports.

HON. SIR ALEX. CAMPBELL—I have known that to happen between two conservatives. Sometimes those things happen from want of knowledge on the part of the officer. It sometimes happens, with reference to sugar for instance, that it is classified as one kind at Montreal and a different kind at Toronto. I happen to be on the Treasury Board where those things are often discussed. Such things do occur, I admit, but that they occur as against reformers and in favor of conservatives, is something which the hon. gentleman I am sure will hardly venture to assert.

HON. MR. SCOTT—I say they have occurred and they have not been remedied. I did not propose to bring that point out in this debate. It is just an incident of a tariff of this kind, where the discretion rests with the Minister to say how the tariff shall be construed. It is a monstrous proposition that the interpretation of a tariff so oppressive should be left entirely in the discretion of the head of the Department, who acts invariably through his subordinates, or gives a hint through his subordinates how the tariff is to be operated. I say it is a great misfortune, and I think the sooner this Government puts the question on a higher basis so that it should not be in the power of any man to make such an imputation—in order to take away the possibility of such a charge being made—the sooner a law is put on the statute book that there shall be a reference in all those cases of dispute to some independent tribunal, one of the courts of this country, the better it will be in the interests of the people.

HON. MR. SMITH—Why did you not put in on while you were in power?

HON. MR. SCOTT—It was a great mistake that it was not done, and if I ever have anything to do with a government again I will endeavor to have it done.

HON. MR. PLUMB—The same things happened under your Government.

HON. MR. SCOTT—They may have. I am not defending them if they did happen. My attention was not called to the subject before. If it had been I should have been just as anxious and determined that the Government of which I was a member should remove from itself the possibility of such a charge being made, as I am now, because I think it is highly improper that any government should be vested with the arbitrary power of finally deciding such cases.

HON. SIR ALEX. CAMPBELL—What we quarrel with the hon. gentleman for is the assertion that the present Government have favored their friends in these decisions. My hon. friend I am sure does not persist in that?

HON. MR. PLUMB—Would the hon. gentleman allow me to ask whether that is not inseparable from the *ad valorem* system, whether that did not prevail under the tariff which existed while he was in power as it does now? The tariff has been altered but the principle has remained the same, and in the United States the same differences occur—they must occur everywhere, because it is left to the discretion of the Customs Department to settle such matters where there are *ad valorem* duties. These questions must come up for decision all the time. Of course I am sure the hon. gentleman does

not mean to say that this system is intended to be administered for party purposes.

HON. MR. SCOTT—Oh no. I do not say anything of that sort. I do not deny that it occurred under the late Government, but where the duty was generally 17½ per cent., it was less likely to occur and less likely to create that aggravation of which I speak than where the duty is 35 per cent.

HON. MR. PLUMB—There were much higher duties than 17½ per cent. before the present Government came into power.

HON. MR. SCOTT—I have a case in my mind which I will give to the Minister of Justice. I do not desire to make any personal accusation against anyone ; on the contrary, I acquit any member of the Government of personally doing anything improper, or being a party to it, but I do say that it is an incident of our system that the friends of the Government have more influence in matters of that kind than their opponents. I can mention a case to my hon. friend where goods were purchased by five different parties from one man. They went to two or three different points in Canada, and the same class went to another point where another and a different duty was imposed.

HON. MR. SMITH—The appraiser might have made a mistake.

HON. MR. SCOTT—We will not discuss it ; there is no defending a thing of that kind. It is indefensible. My hon. friend would not defend it himself.

HON. MR. SMITH—There is no such thing except it occurs by mistake or want of judgment on the part of the appraiser.

HON. MR. SCOTT—That is what I say, and a competent tribunal would remedy any injustice. Redress could be obtained and there would be no favor to ask ; all would be on the same level before an independent tribunal. We insist upon courts of law interpreting the most simple statutes that we pass here, and yet we refuse to submit to the courts of law matters which affect our pockets in the same way and which require as keen and even-handed an appreciation of the English language as the ordinary statutes do. Therefore I say there is no defence where under the complicated tariff that we are inflicted with, the final decision is left with the head of the Department, and no Government ought for one moment to interfere with the ultimate reference of all those disputes to an independent tribunal. Their own honor and integrity are at stake. It is not to be supposed that the Government are going to truckle to their own followers because they are supporters of the party in power ; but the imputation is made, and I do not think the Government ought to be put in that position. Therefore this Government should willingly undertake to make the change. I am not making a charge against anyone, but I say it is an incident of the system. I could point out facts from my own knowledge but I do not want to make a public scandal of such things. I have had occasion to see that the system is one which cannot be defended ; that in a matter where two persons have a difference of opinion as to the wording of a statute it should not be referred to the head of the Department, whose natural inclination is to give it that interpretation which will yield the largest revenue to the country. Now let me ask you if I draw up a statute here and some dispute arises as to the interpretation of it, should a court of law take my interpretation ? Not at all ; they take their own interpretation. They say : "You may have interpreted it that way, but you have no right to assume that in passing that law Parliament meant anything of the kind."

HON. MR. PLUMB—Are not these differences among experts, and I would like to ask the hon. gentleman whether he supposes that an appeal could be made to judges on the bench to decide the difference between fabrics in silk or cotton where a dispute arises ? It is not the construction of a statute as I understand, but a question as to the value of goods which are subject to an *ad valorem* duty. That is a matter that cannot be settled by the courts I should say.

HON. MR. SCOTT—The hon. gentleman has just taken one class of goods

where the evidence of experts is of value. Now the particular case I have in view is not a question for experts at all; experts have nothing whatever to do with it. However, that is all aside from the mark, and I am sorry we have been driven into that line of argument, but it is necessarily one of the extreme weaknesses of the tariff that an elaborate tariff like this cannot be interpreted fairly and justly, where it is left to the head of the Department to decide. Now, when I branched off on that unpleasant topic, I was drawing attention to the comparision between the exports for the five years ending with 1879, and the five years ending with 1884. I showed that in the latter period the exports amounted to $92,000,000 more than the exports during the five years of depression when Mr. Mackenzie was in power; and I was asking the House was it not plain that the increase of $92,000,000 was due to other causes than the National Policy? No one can for a moment deny that the increase was due to other causes, more particularly when I have given the exports for 1879 and 1882, showing what the difference of $31,000,000 arose from, and those figures speak volumes and give a complete answer to the question. If a man sells the products of his farm this year to the amount of a thousand dollars, when he was in the habit of selling only $600 in a former year, does it not follow that he has made $400 more than he had made the year before? So it is with the people in a body. We sold in 1882 $31,000,000 more of the products of the country than we sold in 1879; and that is the source of the increased prosperity, and it was in no sense due to the National Policy. That policy was rather an encumbrance on it, because it increased the cost of production, and lessened the profits arising from those industries. No one can say that the National Policy increased our agricultural products. On the contrary, one of the grand features of the new policy was that we were to have a home market; that we were to consume all our grain in this country; that all our cattle were to be eaten up by the operatives employed in our factories. No one can say that when we sold seven or eight millions of dollars worth more of animals than in the former year the National Policy had anything to do with it. It did not help the United States to buy our lumber one year better than the other. There was a condition of things in the United States that was very similar to our own. The removal of the depression was general; it was not limited to Canada or the United States, but prevailed over the greater part of the world. When prosperity began we were able to stand the National Policy. We could not have stood it if it had not been for that change in the condition of other nations, and we enjoyed prosperity in spite of the National Policy. What was the consequence? Paradoxical as it may seem, with heavier duties we actually bought more abroad than before: we bought more cotton and woollen goods and high-priced machinery than in former years. Now, is not that strange? Supposing that anyone in 1879 had said: "I prophesy we will buy more cotton and other articles in 1882 than we ever bought before," would not Sir Leonard Tilly have said: "That man is an idiot. If I increase the tariff from 17½ to 35 per cent., how are the people to buy more abroad"? We were to be our own consumers; the farmers were to have their grain and cattle sold at home and not abroad. Our operatives were in some way to eat more. I don't know how it was to be accomplished, but this home market was to be furnished. It was assumed that we had no home market before; that the people did not buy from our farmers, but bought somewhere else. Strange to say, the population of the country has not increased in the ratio that it ought, under that happy condition of things that was to arise. On the contrary, I am afraid the population has been rather slow in its growth, as compared with former periods in this country. Immigration is no doubt an important element, but relatively to the growth in former days, the population has not increased in the last five years as one would expect with the improved condition of affairs. Since 1879, by the lifting of the cloud of depression and the ability of other nations to buy our products and pay for them higher prices, we were better able to bear the great burden that was then put upon us. Even in many of our manufactures which are most highly favored, notwithstanding the high tariff, we were actually buying more abroad than we were

before. I have just picked up a Hamilton paper—

HON. MR. PLUMB—Which paper?

HON. MR. SCOTT—The Hamilton *Times*. The authority may not be good in the eyes of the hon. gentleman, but I give the figures which it furnishes. The hon. gentleman knows that Hamilton is the centre of the sewing machine trade. There are more manufacturing establishments there than anywhere else in Canada. In 1877, with a tariff of 17½ per cent., we imported 5,281 machines; in 1884, with a tarift of 31 per cent., we imported 12,259 machines. Apparently that was the effect of the tariff. Under the reasoning which was used in favor of the National Policy, we should have imported fewer sewing machines rather than more of them; but it only shows that we were able to buy abroad, and that the people were better able to bear this heavy burden. Apart from the increased trade of the country, we had $100,000,000 in gold brought into the country, and that enabled us to do a great deal. The effect of the National Policy was not, and has not been, to force us all to buy at home. We still continue to buy abroad. How is that proved? In the very best possible way. We have to provide a revenue of $35,000,000. If the effect of the National Policy had been what its advocates predicted it would be, we could not have raised any such revenue. The intention was to have Canada for the Canadians; we were to build up a Chinese wall; we were to have no dealings with the outside world, and the presumption was that if a high duty was imposed on any article we were not going to buy it abroad. No one can gainsay that. Now what was the effect? Our imports during the five years from 1875 to 1879 inclusive, amounted to $482,000,000, on which we paid a duty of $66,000,000. Our imports during the five years from 1880 to 1884 amounted to $507,000,000, on which we paid a duty of $97,000,000. Now is not that a very extraordinary result? We imported more and we paid in the latter period of five years $31,000,000 more duty than in the former. That has been the effect of the National Policy. It certainly was an effect that was unlooked for. No one dreamed that by putting up our tariff, and by excluding foreign manufactures, we were going to increase our imports. That was what was talked of; we were to exclude foreign manufactures; Canada was not to be any longer a slaughter market; people were not to be allowed to come in here and sell at low prices. Everyone remembers how our people were told between 1876 and 1878 that they were being ruined by Canada being made a slaughter market. The great mass of the people were being benefited by it; they were getting their goods cheaper than they otherwise could. Why should we in Canada be obliged to tax ourselves in order to maintain a handful of industries simply because they were Canadian? We have to go abroad for a great many things; why should we be required to pay a few people for their labor, for working up the material in Canada? Why should we pay double prices in order to have those goods manufactured in the Dominion? In the eyes of some gentlemen it may be very patriotic to do so, but I do not think it is wise. I have always maintained that you cannot protect a country like Canada where 90 per cent of our wealth is produced by industries that are entirely outside of the paternal influence of any Government. They are well known—the fisheries, the forests, the animals and the agricultural products. Now, take any of those industries, and do you think it is fair or reasonable that for patriotic purposes the 90 per cent. of the people engaged in them should be burdened to maintain the other 10 per cent.—that they should tax themselves to get the goods made in Canada at larger prices than they can be obtained for elsewhere? Do you think that that sort of logic would be appreciated by the masses of the people of this country? Not at all, because we do not profess to get everything in Canada; we have to buy very largely abroad. It would be very different if we had such a diversity of climate that we could produce everything—if like the Chinese we did not desire to trade with the outside world. But with our notions our trade should prevail all over the globe. We are anxious to stimulate it in every direction and very properly too; it is not alone humanizing; it is not alone making us cosmopolite, widening the views of our

people, but it does good every way. We in Canada profess to be at all events, in advance of the rest of the world We do not consider that we are second to any people on the face of the earth. We claim that we have a country which is quite able to compete with the rest of the world, and all that we ask is a fair field and no favor. I trust that the day is not far distant when the people of Canada will appreciate the principle to which I have referred, that the 90 per cent of our population should not be taxed in order that the other ten per cent should be engaged in manufacturing articles in this country which could be got cheaper elsewhere. I say every man should work at some trade which will bring wealth not only to the individual but to the people in the aggregate; the mistake which the National Policy made was to stimulate a few industries. People who were making money in other ways were induced to take their money out of legitimate enterprises in which they were getting 6, 7 and 8 per cent.; they were told that they would get from 10 to 12 per cent. and for the first years it looked like it. Naturally they drew their money from the legitimate enterprises in which it was absorbed, and put it into new ventures, and what has been the consequence? The wrecking that I have pointed out with respect to the cotton trade. I have no report before me, but I sent to the library for the *Journal of Commerce*, and I have shown the rates at which stocks are quoted. We were told by the Finance Minister that those who engaged in those industries would reap a fortune; that at all events for seven years to come they might put all they money they chose into such ventures. I say that was rash and foolish, but I do not regret the result, because I think in the history of a young country it will do good. All countries like individuals have to be educated, and this will prove the very best educator. The adoption of this policy will lead people to reflect, or ask themselves whether it is wise and prudent that a certain large proportion of the population should be taxed for the benefit of the few. We have seen the system carried out for the last twenty years in the United States, and they have become the laughing stock of the world. Notwithstanding the decision of the last election in which the party who represented the protectionists went to the wall and a man who a year or two before that was not known—

HON. SIR ALEX. CAMPBELL—The one side is as protectionist as the other.

HON. MR. PLUMB—Protection was not an issue.

HON. MR. SCOTT—Read the figures of the parties in the United States, and you will find that by far the largest number of protectionists are Republican. I grant that there are some on the Democratic side. I repeat, the nation is the laughing stock of the world. They are coining every year $27,000,000 simply to put the coins in a vault for no earthly purpose; they are utterly worthless. They cannot spend the money at home, and it will not be taken abroad. As Mr. Cleveland has pointed out, they are destroying their gold basis. I take it that is one effect of the wrong system in the United States, a result which is sure to follow from a high tariff. The protectionists are working together, each one who is interested in some special branch of industry helping others, in order that the industries of both may be sustained. The hon. gentleman from Niagara understands that question too fully to for one moment justify the insane notion that the United States have of keeping on the statute book a law which compels them every year to coin $27,000,000 or $28,000,000 that are not worth 100 cents, not worth more than 95 cents in the dollar—coin that no one will take. Would any other country in the world stand that? I do not believe any other nation would. Nothing but the wonderful resources of the United States and their extraordinary recuperative power enables them to stand it. We are imitating them to some extent, perhaps not carrying the folly so far as that, but our protective policy is entirely in that direction, creating monopolies and enacting laws which are designed to make the rich richer. It cannot be carried out in Canada. It has recoiled, and it has been found that we are not numerous enough to stand it. We have 4,500,000 of people with a frontier of nearly 5,000 miles extending from one ocean to the other, and we can-

not undertake to trade with each other—swap jack-knives—and grow rich. It cannot be done. I say it is a good thing in this country that this high tariff has been introduced, because when people have been pinched properly by it they will comprehend what the functions of a Government are—that their duty is to make laws that affect all industries equally. It is no part of the duty of a Government to declare that one man's industry shall be favored at the expense of another man's. We should all be put on an equal basis. We should not be called upon to pay more than our fair and just proportion to the revenue of the country or to contribute taxes beyond our fair and equal share. Before ten years go over our people will have fully understood this question. I can readily comprehend that after five years of depression this cry, or any cry, would have been taken up by the people and would have been carried through just as triumphantly. But this cry had to sustain it in the first two or three years the unexampled prosperity which dawned on this country from causes which the Government were flies on the wheel either to contribute to or to prevent. No man will venture to controvert what I say, that the increased sales we got for the products of our forests or the products of our farms were due in no sense to the National Policy. No one will presume to say that they were. It was owing to foreign countries being able to buy our products. Will the United States this coming year buy as largely of our lumber as they did in 1882? I am sorry to say that they will not; that the condition of affairs in that country does not exist that would enable them to do so. There is not that plethora of money that there was in 1882, when we sold so much of our lumber to them.

Hon. Mr. PLUMB—Is the hon. gentleman aware that the rate of interest in New York has been for the last year not more than one and a half per cent.?

Hon. Mr. SCOTT—I am aware of it, and it confirms my argument. It is not the want of money; I was told by a gentleman last week, who has good reason to know, that there is abundance of money in New York to be had at two per cent. We know that the United States' three per cents are at par, and that four per cents are away above par; and it is with a knowledge of this fact that I make the statement, that in consequence of the overgrowth of industries in the United States from 1879 to 1883, there will unfortunately be a lull for two or three years which will injuriously react upon Canada.

Hon. Mr. PLUMB—The hon. gentleman used the term "no plethora of money."

Hon. Mr. SCOTT—You cannot go there and borrow it unless you give United States bonds, or equally good security. You will find every kind of stock in the United States has been going down rapidly; that men who hold large stocks have lost millions of dollars by the reduction in values that has taken place. Will you tell me that money can be had in the United States to build a railway? Not a dollar. In 1882 I think 12,000 miles of railway were built in the United States; in 1884 it had fallen to 4,000 miles; in 1885 I do not believe there will be 2,000 miles of railway built. There will be no money put in circulation, and the effect on Canada will be that we will not sell as largely to that country as we have sold to them in the past. The hon. gentleman spoke of the prices of food in Canada; at one time it was high for the farmer; at another it was low for the operative. The National Policy, among other things, was to give us a home market. Where is the home market to-day—down, down, with the bottom knocked out of it. The farmers, before the introduction of railways even, got more for their grain than they are getting now. The best wheat in the world is down to 63 cents a bushel. Is that a condition of things that we can look upon with anything like gratification? Are we to be told that that is one of the successful results of the National Policy? I say it is a most fortunate thing; it shows how utterly futile it is to expect by Act of Parliament, to give fictitious values to anything. Our products depend for their value on the prices which prevail in the markets of the world. We cannot stimulate them, because we produce more than we consume. The tariff is utterly useless—worse than useless because it has stopped trade. Has it not had the effect of sending many a vessel across the Atlantic from

our own seaports empty because they could not get American grain for a cargo? This question of grinding in bond, and bringing goods into Canada for re-exportation has been surrounded by so many checks and safeguards that the trade had gone elsewhere. Trade will not be shackled, and if you shackle it you will lose it. There is not a protectionist in Montreal that will not tell you that the National Policy has been damaging to him. Then, this attempt to equalize the duties on flour and wheat—the miller paying so much on grain—what has it led to? It has just shown how utterly impossible it has been for the Government to reconcile interests of that kind and to place on each man his fair proportion of taxes. We had a deputation of millers coming to the Government the other day who said "Here they are importing flour into Canada; we cannot compete with the United States; we must have protection." If I read the papers right I see that there was another deputation asking that the duty on flour be put up. It was found relatively that the duty on flour was not equal to the duty on wheat, that there was some 15 cents a bushel on wheat and 50 cents on flour, and it took so many more bushels of wheat than that basis, and as a consequence American flour was coming into Canada and the deputation asked for redress. It is an instance of the inextricable mess you get into when you attempt to impose duties of that sort, because I say you cannot so adjust them that the tariff shall bear equally on all. However honest your intention may be, however desirous you may be that all these industries shall be taxed on an equitable basis, I say you cannot accomplish it—the thing is utterly impossible. But the effect of the tariff has been to rob the City of Montreal of a large trade. We know that the export trade of Montreal has not kept up as it should, considering what we have done for the improvement of the St. Lawrence, and our large subsidies to steamships—considering all the advantages they have of proximity to Liverpool and a cheaper mode of construction, and all that, they have not been keeping pace with the vessels outside.

Then here is another question: we are told that we are to pay 50 or 60 cents on the coal we use, in order that our neighbors down by the sea should have some benefit from their coal mines.

HON. MR. POWER—Hear, hear!

HON. MR. SCOTT—My hon. friend from Halifax says hear, hear! Unfortunately they have not got the benefit of it; we have been paying it into the Dominion treasury at the following rate:—

In 1880.....	$505,610
" 1881.....	641,177
" 1882.....	705,288
" 1883.....	930,966

I have not got the figures for 1884, but I believe they are increasing in the same ratio, and we up in Ontario, who cannot buy our coal in the Lower Provinces because the distance is too great, and the freights are more than we can stand, may just as well shut up all the factories in this Province in order that Nova Scotia coal may be protected. There is no favor in saying to our manufacturers, "you will be protected on your manufactures up to 30 per cent.," when at the same time you put a tax on their raw material equivalent to the 30 per cent. protection. We know that coal is one of the bases of manufactures—that you cannot manufacture without coal, and coal should be free of duty. Then this duty has not helped our neighbors down by the sea.

HON. MR. POWER—Oh yes it has, a little.

HON. MR. SCOTT—Has it done so to the extent that we should be called upon to pay here in round numbers a sum of a million of dollars a year in order that Nova Scotians may sell their coal a little more cheaply.

HON. MR. POWER—I do not say that, but it serves the coal interest somewhat.

HON. MR. SCOTT—That we should starve some of our manufacturing interests in Ontario by making them pay so much more on coal?

HON MR. ARCHIBALD—The duty on coal has built up our mining industry.

HON. MR. SCOTT—If you do not take the duty off coal you may as well shut

up our industries in Ontario. Would it not be much cheaper for us to take out of our treasury a half a million of dollars and distribute it among the two or three coal mining companies down in Nova Scotia, than to crush the life out of our industries by a heavy duty on coal? My hon. friend from Belleville laughs, but we are paying a million of dollars in duties on coal.

HON. MR. READ—You may as well pay it on coal as on tea.

HON. MR. SCOTT—I suppose we are bound to pay it on something, but that opens up another and a very wide branch of the subject. However I will utilize that by pointing significantly to what the result of it all is. The hon. gentlemen from Belleville says you may as well put the tax on coal as on tea. Now what is the effect of this increase of our imports that has given us this large "surplus," or call it what you please? What has it led to? Our country has very few more people in it to-day than it had in 1877-78. At all events, the increase in the number is not such as to warrant the astounding increase in the public expenditure that we have just been looking at. I find in the Public Accounts placed before us this session, that taking the ordinary expenditure in the year 1877-78, the controllable expenditure by the Government was six and a half millions of dollars. Last year it had risen to the enormous sum of $11,000,000. I ask is there a country on the face of the globe where there has been such an extraordinary growth of extravagance exhibited? I ask if there is on the whole of this globe any other country than Canada that could have quietly sat by while its taxes were increased so enormously and so unduly, or where so little is given in return for it? It is a question that cannot be too often asked, and it is a question that ought to be asked of every man in this country whether he thinks that is a healthy condition of things, that owing to the tariff which has been put in force in a period of great prosperity in this country, and which resulted in giving to the Government the expenditure of such large sums of money, that expenditure has followed, as a matter of course, in the development of the extravagance that these two statements present to us? In the short period since this Government came into power the controllable public expenditure has jumped from $6,500,000 to $11,000,000 per annum. Everything else of course is in proportion, and all those items that are called ordinary expenditure for civil government, springs from $823,000 to over a milion of dollars; I cannot quote the figures exactly, as I have not got them by me. I ask my hon. friend opposite if the increase of a few clerks in one of the public departments, from the growth of an outside province, warrants the enormous increase in this expenditure? My hon. friend knows very well that if it had taken place under the previous Government, how he would have reproached the Administration with being guilty of extravagance, and wasting the moneys of the people; how he would have told me that it was not possible that the increased number of clerks was necessary; that there was no possible justification for an increased expenditure like that. When the hon. gentleman looks at the figures he will find that our increase in the five years that we were in office, was not 3 per cent. of the increase that has taken place under the present Government. I have not the figures before me now, and I do not wish to quote them inaccurately, but if my memory serves me right, what is called the controllable expenditure of the Government was certainly not one million of dollars greater when the Government, of which I was a member, went out of power, than it was when we came into office.

HON. SIR DAVID MACPHERSON—Because it was an era of deficits.

HON. MR. SCOTT—It was an era of low taxes also, and how did our people feel the deficit?

HON. SIR DAVID MACPHERSON—It increased the public debt.

HON. MR. SCOTT—The public debt has sprung up from $175,000,000 in round numbers, in 1878 to $242,500,000, in round numbers, in 1884.

HON. SIR DAVID MACPHERSON—The people had to be taxed to pay the the deficits, of course.

HON. MR. SCOTT—The hon. gentleman knows where the surpluses come from; they have come from the taxes paid by the people. The Government deserves no credit for a surplus; the surpluses were not created by them; they did not come from the Government. The hon. gentleman opposite finds fault with the Finance Minister of 1877 because he did not do something to relieve the depression. What could he have done more than put up the taxes, as my hon. friends opposite have done? Does the hon. gentleman mean to tell me that if the Finance Minister in 1877-78 had made the tariff a 30 per cent. tariff, he would have got a revenue?

HON. SIR DAVID MACPHERSON—If he could not then the expenditure should have been reduced.

HON. MR SCOTT—During our administration is the only time in the history of this country, or of any other country that I know of, where the expenditure was put down—the only instance in the whole history of Canada where the expenditure was reduced in subsequent years as compared with antecedent years, and the Public Accounts show it.

HON. SIR DAVID MACPHERSON—It should have been reduced to the amount of the revenue.

HON. MR. SCOTT—I grant you as far as the development of the public works of the country is concerned that is not a question that enters into the calculation, but our expenditures for the administration of ordinary public affairs ought not to jump up to such a figure as it now is because we happen to get a good year or two. No nation in the world could hope to be successful in handling its finances if that sort of policy prevails—that because we had two or three years of great success, we should squander our means and become extravagant in our expenditures. What would you think of an individual who, because he had two or three years of prosperity in his business, should discount the future and live beyond his means? Would you not say the man was a fool? It is not possible that uninterrupted prosperity will continue; cycles of depression are sure to come. Will the hon. gentleman tell me that the prosperity that existed from 1880 to 1883 is to be continued? That there is no pinch now, and that 1884 is to be compared to 1883, or that he can by any policy except by reducing the taxes bring up 1884-85 to the level of 1883-84? I challenge him to do it by any legislative act, and if he can and will do it then he is entitled to the thanks of the people of this country. If by the enactment of a statute he can bring wealth and prosperity to the people of Canada, he should not allow this depression to prevail. Why does not the Government introduce a measure to-day to give employment to the people all over this Dominion—to give a home market—to give our farmers more than 60 cents a bushel for their grain? Are the hon. gentlemen opposite acting fairly by the people of this country? Is it in accordance with the pledges they made in 1878 that they should withhold those halcyon days that were promised when by a mere act of Parliament prosperity can be secured to the people of this Dominion? I was often told by the hon. gentleman opposite when I was on the treasury benches, "Oh you do not do anything." But what could we do? We ought to have hoisted ourselves with our own boot straps; we ought to have traded jack knives across the House; we ought to have done something; anything we could have done to avert the depression in trade would have been just as logical, and just as common sense as the illustrations I have just given. You cannot make a nation rich by Act of Parliament. You can reduce its burdens; you can make it a cheap country to live in; you can develop its trade and its natural wealth by wise legislation, and the wealth of this country is its agriculture. You can do all that, but I say the moment you begin to tinker with the trade laws of the country, and thereby tax any industry and make it pay more than its legitimate share of the burdens of the people, that instant you depart from a sound principle that ought always to prevail in a free and enlightened country.

I should perhaps apologize to the House for having detained them so long, and for the warmth with which I have spoken on this subject, but I will convince my hon.

friend that inadvertently the gross and glaring case to which I have referred did happen, and I spoke with a full knowledge I had of it, but I totally acquit the Government of being influenced by any such improper motive.

HON. SIR ALEX. CAMPBELL—I am quite sure that is what my hon. friend meant by his remark.

HON. MR. SCOTT—I say it is an incident of the system, and the sooner we change the tribunal and make it an independent court, and allow parties who are dissatisfied with the decision of the Government on a matter of that kind to go to the court any pay the costs, just as other litigants do, the better it will be for the country. It is the way they do in the United States. You can appeal from the decision of a Department if you are not satisfied with it, and you can go to the courts of the country, and that I think is the proper system.

HON. SIR DAVID MACPHERSON—With the permission of the House, I wish to move the adjournment of the debate. I am quite aware that it is not in order to move an adjournment of a debate upon a notice of this kind, but as this debate has become a very interesting one, and the hon. gentleman from British Columbia has made a very interesting and important statement on the subject, with the consent of the House, I will move that the debate be adjourned until to-morrow.

HON. MR. SCOTT—I hope that the Government will see that the members of this House are put in possession of the report. It is scarcely fair to the rest of us, and it is highly improper that any hon. Senator should get possession of a public document to which other members have not the same access.

HON. SIR ALEX. CAMPBELL—He has not got it from the Government; he has read it from a newspaper.

HON. MR. SCOTT—The hon. gentleman knows that the hon. member from British Columbia has read from an official report of this country, that no other Senator, as far as I am aware, has got possession of. It would have been good taste, to say the least, to have deferred this debate until that report came down and was in possession of members of the House.

HON. MR. MACONALD, (B.C.)—If the hon. gentleman has not got the report it is his own fault. It was open to every hon. gentleman of this House as it was to me. It was laid on the table of the House of Commons openly, and if the hon. gentleman did not look at the report there is no one to blame for it but himself.

HON. MR. SCOTT—I assume that the proper place to get the report is through official channels, and as I came in those doors I sent a page to Mr. Botterell for a copy of it, and I enquired at the post office for a copy, and could not get it at either place, and I was at a disadvantage in speaking on a subject that I had no opportunity of analyzing.

HON. SIR ALEX. CAMPBELL—The report was presented to the House of Commons, and it was sent to the Joint Committee on Printing, and the hon. gentleman had no greater advantage in seeing it than any other member of this House could have had. In addition to that no member of the Government in this House has seen it. I have not myself seen it, and the hon. Minister of the Interior has not seen it, and further, all those statistics that are quoted by the hon. gentleman from British Columbia appeared in the Montreal *Gazette* a few days ago—I saw them there myself.

THE SPEAKER—As this is the first time since I have occupied the chair of this House that a motion for an adjournment of a debate on a notice of this kind has been made, I think it well to call the attention of the House to the fact that if the question of order had been raised as to motion I should have ruled against it. A regular motion cannot be made to adjourn a debate on such a subject as that now before the House, that is on a simple inquiry; and therefore it would be well for hon. gentlemen who have subjects to bring before the House which will involve a long debate, to bring them in the shape of a regular motion.

HON. SIR ALEX. CAMPBELL—I would like to ask the Speaker if he has considered this point: that there is a debate in accordance with the rules of the House, and that there is a debate in accordance with the practice of the House of Lords, there being a notice and inquiry; and there being a debate, among the incidents of debate must be a motion to adjourn.

THE SPEAKER—I think the Minister of Justice will find that in the House of Lords inquiries such as those are not even entered on the journals, and there must be a foundation in that way for a motion of this kind, and there is no foundation for it in this case. This system of discussing questions upon an inquiry with the notice prefixed was, I think, introduced into this House by the hon. the Minister of the Interior, and is after the practice which prevails in the House of Lords. In Bourinot's volume on "Parliamentary Practice," in reference to that question, a note will be found on page 322. I have looked into the question and I quite agree with the authority quoted here:—

"Senator Macpherson (subsequently Speaker) commenced the practice, Senate Debates (1887) 313, 375, Ib. (1879) 76, 71. In the Senate the discussion is sometimes permitted to run over several days on such an inquiry, which is not customary in the Lords, since a debate on a mere question cannot be adjourned."

HON. MR. PLUMB—I would like to ask the question whether, in bringing forward an inquiry of this kind, it may not be concluded on the part of the member who introduced it, by a motion without notice?

THE SPEAKER—In this case the House has allowed the motion, but I thought it proper to bring to the notice of the Senate that in connection with inquiries of this kind we are falling somewhat out of our Parliamentary practice.

The motion was agreed to.

THE DAVIS DIVORCE BILL.

THIRD READING.

HON. MR. READ, in the absence of Mr. Dickey, moved the third reading of Bill (C), "An Act for the relief of Amanda Esther Davis."

HON. MR. ALMON—I object to this motion being put, and the members being compelled to vote for it until the proceedings before the committee are before this House, so that every person can make himself familiar with the evidence. As I mentioned before, there is no need of its being published in the blue books. If it is put into the notes of the proceedings of the Senate, and given to each member of the House, say one or two days after the evidence is taken before the committee, then each person who is compelled to vote on it can make himself familiar with the facts presented to the committee, and vote according to his appreciation of them. I am not going to delegate my conscience to any seven men who may form a committee. I want to form the opinion myself on the merits of the case. I think that story about the indecency of the evidence is all bosh. If it is indecent to put in print, it is indecent to listen to. I have not been present before at any of the committees where these matters have been brought up, and where, if I wished, I might have heard the evidence. When I first came here the first vote that was taken in the House was on the Campbell case, and I asked leave, as I knew nothing about the case, to be excused from voting on it. I was excused. After the question was disposed of I went to the Library, and I asked the late Mr. Todd to give me the report of the trial, which I read, and to my mind—although I differ from the majority who voted on the Bill—a clearer case of adultery was never made out against a woman than in that case, and when I came in and said that that was my opinion, I was told that it was not the case; that he was an ugly, cross-grained looking man. That did not convince me, however, that his wife had not committed adultery, though it did seem to convince the committee and the House. Unless the evidence in this case is placed before the House, I will decline to vote on the Bill. If it is not printed what will they do in the Lower House? The Bill has to be passed through the House of Commons, and is this one report to be sent down there to be looked at by the 210 members who have to pass upon it? Is

that justice? Is that the way that such an important proceeding as the severance of the "sacred tie" of marriage (as my hon. friend from Lunenburg terms it) should be decided? I think not. I think you will all agree with me that more publicity should be given to the proceedings, both for our own sakes and for the sake of the members of the Commons who have also to decide on this question.

HON. SIR ALEX. CAMPBELL—There is certainly some force in the remarks which have fallen from the hon. gentleman from Halifax, but the question is between two inconveniences. It is certainly inconvenient that those proceedings should be printed and distributed; at the same time it is necessary that hon. members who have the responsibility of deciding the case should have full information. The evidence cannot be printed without the facts being spread abroad, and the only point on which I differ from the hon. gentleman is, that it cannot be printed without injury to the morals of the people who read those proceedings—particularly the young.

HON. MR. ALMON—I do not want the proceedings published where it will go abroad in the country. No man who publishes a decent newspaper will put anything into its columns that is revolting to the feelings of his readers; because, putting its morals aside, it will injure the circulation of the paper.

HON. SIR ALEX. CAMPBELL—The proceedings do appear on the table of the House. My hon. friend, or any other member, if he desires to become familiar with the subject will find there the evidence. Perhaps it may be a little inconvenient to become acquainted with it in that way in so short a time, but two or three weeks might be allowed to elapse between the presentation of the report of the committee and the third reading of the Bill, and that might answer the purpose. It seems to me, that as between the two, that might be the better course. I admit there is great force in the remark that a member ought not to be called upon to vote on such a measure until he has sufficient time to make himself acquainted with the facts of the case, while if the mode which the hon. gentleman suggests is adopted, it will lead to another evil of great magnitude. Perhaps it would be better to allow the third reading of the Bill to stand over for a while.

HON. MR. KAULBACH—I am very glad to find that the hon. Minister of Justice seems to have changed his views since yesterday. The other day when I suggested that the evidence should be printed, I was told that I had a keen taste for such literature.

HON. SIR ALEX. CAMPBELL—Not by me.

HON. MR. KAULBACH—I understood the hon. gentleman to say so.

HON. SIR ALEX. CAMPBELL—Not for a moment—the hon. gentleman is mistaken.

The motion was agreed to, and the Bill was read the third time and passed on a division.

HON. MR. READ moved that a message be sent to the House of Commons by one of the Masters in Chancery to communicate to that House the evidence taken before the Select Committee to whom was referred the said Bill, and to request that the said evidence may be returned.

HON. MR. PLUMB—Before the motion is carried I might be allowed to say one word pertinent to this question. After attention was called to the rule of the House, we in the committee to-day excluded all persons except the counsel and those who were called as witnesses. I would like to call the attention of the House to the fact that it would be impossible for us to carry out that order unless there is some one placed at the door of the committee room. We could not get a messenger there until we were half through the work, and it is not a very pleasant thing for the chairman to have to ask strangers to retire. During the investigation four gentlemen from the House of Commons came in, and it strikes me that those members who have to pass upon those Bills, will find it a serious cause of

complaint if they are excluded from the committee room. It seems to me we are throwing a difficulty in the way of passing those Bills when they are meritorious cases, by excluding members of the House of Commons from hearing the proceedings.

HON. MR. KAULBACH—The committee have the remedy in their own hands.

HON. SIR ALEX. CAMPBELL—They can exercise their own judgment. The rule is that the committee has power to admit or refuse admittance.

THE SPEAKER—It rests altogether with the committee.

The motion was agreed to.

The Senate adjourned at 6:05. p.m.

THE SENATE.

Ottawa, Wednesday, March 4th, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

PRIVATE BILLS COMMITTEE.

NINTH AND TENTH REPORTS.

HON. MR. READ—(as acting chairman) from the Select Committee on Standing orders and Private Bills presented the ninth report. He moved that the said report be adopted, and that the 59th rule of this House be suspended as therein recommended.

The motion was agreed to.

HON. MR. READ—(as acting chairman) from the Select Committee on Standing Orders and Private Bills presented their tenth report.

HON. MR. BOTSFORD moved that the 51st rule of this House be suspended in so far as it relates to the petition of the Huron & Ontario Ship Canal Company, as recommended by the tenth report of the Committee on Standing Orders and Private Bills.

The motion was agreed to.

HON. MR. READ moved that the report be taken into further consideration on Friday next.

The motion was agreed to.

GREATER CANADA.

INQUIRY.

HON. DR. SCHULTZ—I desire to inquire:

Whether the Government intends that Greater Canada, comprising the two Provinces and four Territories lying between the Lake of the Woods and the Pacific Ocean which contain our greatest forests, richest mines and largest wheat belt, shall have representation in the Cabinet of the Dominion at an early date?

With the permission of hon. gentlemen I desire to explain that I have called that portion of the Dominion to which reference is made in this inquiry "Greater Canada," not only because of its geographical extent, but that it is great in the possession of those conditions which form a nation's wealth. It is "Greater Canada" in that it has the greatest extent of coast line, the greatest number of miles of river and lake navigation, the greatest extent of coniferous forest, the greatest coal measures, and the greatest extent of arable and grazing lands; and, if hon. gentlemen are not satisfied that I have been justified in the selection of this name, I may go further and add that great as are the conditions of national progress in the wealth of forest, mine and land which our explorers, surveyors and geologists have revealed to us, yet there is reason to believe that, in parts yet beyond their investigations, we have resources in some sense still greater than those which I have mentioned. They who have sought the shores of the Arctic Sea by land and river expeditions to its borders, when in search of the solution of that great geographical problem of the first half of this century, an open north-west passage by sea, have incidentally recorded facts of the greatest present value to us, and a perusal of the journals of Sir John Franklin, of Richardson, Hearne, Simpson and

others will reward the Canadian reader with the most interesting information. One described a river, from the banks of which native copper protruded; another mentions the pitching of the expedition boats where thousands of tons of asphaltum could be had with ease. Others speak of amber and of indications of all the precious metals and some of the precious stones, and I have myself seen specimens of crude sulphur as little mixed with earth as that which is shipped from the ports of Sicily; so that I feel that I am justified in using the term "Greater Canada."

Now, hon. gentlemen, it is this belief which impels me to mention these claims for consideration while making this inquiry. I can easily understand that reasons may be given for the fact that up to this time the section referred to has been unrepresented in the Ministry. As far as Older Canada was concerned, these were outlying regions, with which there was only "theoretical political bond, and to where access could only be had through a foreign country; they had vexed local questions to settle which might be supposed to interest them to a greater extent than those of the general policy of the Dominion, and they had no direct trade or communication with Older Canada, and hence the bond of union was as vague and uncertain as was that of the United States with California, Oregon, and the Territories of Idaho and Wyoming before the Union Pacific Railway was built. Once this giant bond was completed, California, which refused the national currency and used only gold coin, and whose sympathies were very lax with the war then in progress, became one of the most loyal states of the Union; and so it will be with us, for hon. gentlemen will find that when Greater Canada is bound to us by such a bond as I have described, dissatisfaction and threats will cease, and when the last rail shall have been laid, the last spike driven, which binds together in bands of steel this Canada of ours from sea to sea, then and then only will there be that complete union of interest, political, social and commercial, which is so necessary to build up a nation; and I hope to hear in answer to my question that the Government have under consideration the celebration of that auspicious event by granting to the Prairie and Western Provinces representation in the Cabinet, and to the Territories that representation in the Senate and Commons to which their population, their great resources and their vigorous and successful work of pioneering so well entitle them.

HON. SIR ALEX. CAMPBELL—Before replying to the question which my hon. friend has put, I hope he will allow me to offer him my congratulations upon the recovery of his health and strength. I am sure every member of the House is glad to hear his voice amongst us, and is equally glad to find that he is strong enough to make the inquiry which he has favored us with. I am not able to give my hon. friend a catagorical reply to his question, which is, whether this greater Canada is to have representation in the Cabinet at an early day? That is a point I am sure that he does not expect the Ministry can, through my mouth, answer just now. The question, to use an ordinary phrase, is "under consideration," and must, I fear, remain under consideration for some time to come. I take the opportunity to say that I do not concur with him in expressing his conviction that every province of the Dominion should be represented in the Cabinet. I do not think that that would be a practicable course for any Ministry to follow. I think rather, on the contrary, we should look to the Cabinet being made up in the future with less regard to provinces than we have been obliged to pay in the past. It is very desirable that the Cabinet should consist of the leading men in the country; whether they come from the Province of Manitoba or the Province of British Columbia is of course a matter of some consequence, but a matter of less importance. Then, I think if there were representatives on the same scale as at present from all the provinces of the Dominion, we would find the Cabinet unnecessarily and inconveniently large. The Cabinet must be kept in such bounds that it shall remain a consultative committee. I am quite sure very many committees of this House charged with important Bills, or important considerations, feel that they could give better attention and more thorough, complete and satisfactory attention to them if the numbers were not quite so large as we are obliged to make them, owing to other

circumstances; so that I do not think the point which my hon. friend thinks we should aim at is really one which, in the interests of the country, is to be attained. I mention it in order that I might not be considered as dissenting from or assenting to the suggestion which my hon. friend has made. The larger or greater Canada no doubt at some time or other will be represented in the Cabinet.

ABSENCE OF MINISTERS FROM THE CAPITAL.

MOTION.

HON. MR. POWER moved:—

That an humble Address be presented to His Excellency the Governor-General; praying that he will cause to be laid before this House a Return showing with the utmost accuracy practicable the number of days during which each member of the Government was at Ottawa, between the first day of June and the first day of December in each of the years 1883 and 1884, together with the particular dates when each such member was so present.

In other words, I move for information as to how the members of the Government have been discharging their duties. I think it the duty of the members of the Government to attend regularly and continuously to their official work; that is, all those members of the Government who are salaried. My hon. friend from Toronto (Mr. Smith) of course does not come under that category. I know of no reason why I should not inquire as to how the work of the Administration is being done. I do not think hon. gentlemen will question the principle which I lay down, that the members of the Government should attend regularly and continuously to their duties. In the first place the country has a right to the best services of the men whom it entrusts with the conduct of its affairs, and whom it pays handsomely for managing those affairs. That is one way to look at it. The country has a right to those services; and, in the next place, the members of the Government who accept the trust reposed in them by the country and who receive the salaries which are paid by the country, are bound in conscience to give their best services in return. It is perfectly true that the laborer is worthy of his hire! I think the members of the Government should have respectable salaries; and I am somewhat of the opinion, if the system of giving members of the Government retiring allowances, which prevails in England, were introduced here, that it might have advantages. I understand that in England where a member has served for a certain number of years he is entitled to a retiring allowance. I should not oppose the introduction of a somewhat similar system here, within reasonable limits of course. But if the laborer is worthy of his hire, on the other hand the converse is true; and if the salary is received, the country is entitled to the services, and the services should be given; and the salary should not be taken where the services are not performed. Now, before leaving this particular part of my subject, I wish to say that some gentlemen have thought the resolution which I have moved is not a becoming or proper one. It may be that my sense of delicacy is not as keen as that of some other hon. gentlemen, but I know of no reason why the information should not be given; I do not see that the position of a member of the Government is, in this particular matter at any rate, very different from the position of a member of either House. Now, before a member of this House, or of the House of Commons, is entitled to receive the comparatively small pay which he gets for attending to his Parliamentary duties, he is obliged to make a declaration showing the number of days he has attended, and every day that he has been absent leads to a deduction from the amount he receives. It is a perfectly sound and proper principle, and there is no hesitation about making an inquiry into that matter. Every member is obliged to make a declaration; and members are further governed by returns kept by the Clerk of this House. I am not sure whether there is a statement made by the Clerk of the other House or not. The directors of bank boards are dealt with in the same way. Now, I fail to see any reason why gentlemen selected to govern this country, and who are paid for so doing, should not be treated in the same way as members of Parliament and directors of banks. If there is any reason why they should be dealt with differently, I shall be informed before the debate goes any fur-

ther; I am not now aware of any such reason. That is, looking at the matter from one point of view. It is a simple question of employer and employed; and looked at from that point of view, it is most advisable that the members of the Government should devote their whole time to the service of the country, allowing, of course, a reasonable time for relaxation—that is understood.

HON. MR. PLUMB—Hear! hear!

HON. MR. POWER—I think the hon. gentleman from Niagara will find that I am never very unreasonable.

HON. MR. PLUMB—How much time would you give them?

HON. MR. POWER—Like every one who is obliged to work hard, I think the members of the Government are entitled to reasonable relaxation. There is another reason why it is most desirable that members of the Government should be here attending to their duties. The Minister of Justice, a few minutes ago, indicated one view of the position of a Government, that they are a Committee of Parliament. Now, I think that is probably a correct constitutional view to take. Parliament cannot sit all the year; it cannot attend to all the details of business; and it delegates all its duties during the recess to the Government, and, during the session of Parliament, it leaves to them the disposal of the details of business which it cannot conveniently attend to. I know that there are other people who take the view that instead of being a Committee of Parliament the Government are the masters of Parliament. That is a view which seems to prevail to some extent, at the present time. In any case the Government profess themselves to be, and they are, constitutionally, the servants of the people, the stewards of the people; and as such they have very important duties, which it is of the greatest consequence to the country that they should perform. I shall endeavor, imperfectly I have no doubt, and at the same time as briefly as I can, to indicate what I believe to be the duties of the members of the Government during the recess of Parliament, the duties which renders their presence here at the seat of Government necessary. I think that they come under four heads.

HON. SIR ALEX. CAMPBELL—Make it five.

HON. MR. POWER—Perhaps the hon. gentleman is able to suggest a fifth, but I propose to make it four. In the first place, it is their duty to attend to the every-day, ordinary work of their offices, including, perhaps, in a particular manner, attending to the cases of persons who have business with the different Departments; and when one thinks what a Department of the Government of Canada is, one will begin to realize how very important a duty this one is. Every one of these Departments of the Government of Canada has a sphere which reaches from Cape Breton to British Columbia. All over these provinces things are occurring every few days which require to be dealt with by the Department. There are persons in every one of these provinces who at some time or other during the year—in the case of some Departments, every month - have business of consequence to transact at Ottawa. It is true of all the Departments, that there are persons in every province of the Dominion who have business to transact with them in matters of great consequence to themselves, and in some cases in matters of considerable consequence to the public. The importance of this duty of the Minister becomes more manifest when we remember that during the session of Parliament the Minister, as a general thing, is to too much occupied with the business of the session to pay very much attention to other matters; and then when we remember, that as a general rule, a subordinate officer in a Department will not undertake to decide finally any matter of consequence in the absence of the Minister, we see how necessary it is that the Minister should be here, and that he should be here of course as continuously as possible. The second great reason for the presence of each Minister in his office is, that his presence there stimulates his subordinates to discharge their duties faithfully and thor ughly, and it also provides for a proper supervision of the work of the Department. It is a matter of common experience that when the head of any business, no matter what it may be,

is absent, his subordinates, even though they may be fairly good and faithful and industrious men, are apt to relax their efforts; and things happen in the absence of the head of any business, which would not happen if he were present; things which should not be done are done, and things which should be done are left undone. There is this to be considered too: take the cases of clerks in the public Departments here; a clerk gets a small salary, possibly $500, or $800 or $1,000. If this clerk, who gets this small salary, sees the Minister, who is getting a salary of $8,000, and possibly is not a man of much better education or greater natural ability than himself, absenting himself from his office, is it not a natural thing that the clerk should come to the conclusion, "well if it is no harm for the Minister to be away, it is rather less harm for me to neglect my duties?" And the natural tendency of the absence of the Minister is to render his subordinates negligent in the discharge of their duties. There is another reason which is connected with the one that I have just given; and that is when the Minister remains here at the seat of government and attends to the duties of his office, he is enabled in a comparatively short time to become familiar with those duties, and to understand the working of his Department, and in that way he becomes master of all its important details, and ceases to be at the mercy of his subordinates, which is a most important thing. In addition to that, the Minister who is familiar with the working of his Department is able to answer for it in Parliament in a satisfactory way. I have nothing to say about the Ministers who are in this House; but hon. gentlemen must remember that we have had, within the last two or three sessions, rather melancholy exhibitions of want of familiarity with the work of their Departments on the part of certain Ministers when called upon to answer for their Departments in Parliament. The fourth important reason why the members of the Government should be here during the recess is in order that they may prepare the work for Parliament for each session. It seems to me that, in an ideal Government, each Minister should have all the measures which affect his own Department submitted to his colleagues at some time previous to the meeting of Parliament, and have them approved of by them before Parliament meets; and that all measures of a general character, which require the consideration of the Government at large should have been fully considered by the Government during the recess, and should be ready to be submitted to Parliament when it meets; and unless this course is followed little is to be gained by summoning Parliament at an early day; and, no matter if we are summoned at New Year, we are likely to be found at Ottawa, like winter, "lingering in the lap of May," as we generally have been. As I said before, I never dreamed, speaking as I have done, of suggesting that Ministers were not entitled to reasonable vacation just as other people who have important work to do; but I have this to say, if Ministers are not satisfied with receiving the salaries they now get, and with reasonable vacations, there are numbers of people in this country, good staunch conservatives too, who would be ready to take their places.

HON. SIR ALEX. CAMPBELL—Some Grits also would be ready to take their places.

HON. MR. POWER—Not just now. I think at all events there should always be a quorum of Ministers at the seat of Government. That is perfectly clear. Having said so much on the abstract question of the importance of having ministers at the Capital outside of the session, I shall venture to say something as to the way in which the Ministry of the day attend to their duties here; and I shall say, as a sort of preliminary remark, that, on looking at the Public Accounts, I see that every one of the Ministers has drawn his full salary for the year ending July, 1884, and amongst the rest Sir Charles Tupper, who was absent from the country for about half the year which ended at that time; and I notice too that most of the Ministers have drawn respectable sums for travelling expenses and telegraphing, and some of them very considerable sums for cab hire. That being the fact as to the way in which Ministers have taken the money of the country, what is the character of their attention to their duties? I have not made—because I don't know that it de-

volves upon a member of Parliament to investigate the thing for himself—I have not made any very special inquiries into that matter. I merely take my information from what I occasionally see in the newspapers as to the movements of Ministers. Now, I find that the Minister of Inland Revenue and the Minister of Justice have given very little reasonable ground for complaint in this respect—that, as a rule, those Ministers are at their places here and prepared to attend to their duties. The Minister of Public Works and the Minister of Customs, when absent from the city, I believe, as a rule, are away on public business—I think it proper to state that. But I may say this, with respect to the Minister of Public Works, that as the Public Accounts shew, he has, I suppose in some degree owing to his travels over the different provinces, put the country to very great expense during the last two years for the erection of public buildings, some of which were necessary, and some of which were not necessary ; and I think it will be found that most of those buildings have been put up in places where they would do the most good politically. The Premier, without whom, as a rule, the Government do nothing of any consequence, is not one of those who are remarkable for constant attendance at the seat of Government. As far as I can gather, he seems to have divided the recess of Parliament between Ottawa, Riviere-du-Loup and European travel. The only result that I know of to the country from the right hon. gentleman's visit to Europe this year—last year, I understand that the right hon. gentleman went chiefly on account of his health, which was very much improved—the only result that I know to have followed from his visit of this year is the change of a "K" into a "G" in the affix to the right hon. gentleman's name. Whether that result will be looked upon by the people of the country, many of whom, under the beneficent system introduced by that right hon. gentleman and his colleagues, are now working on short time and receiving very small wages —whether that result will be looked upon as sa isfactory is questionable. I think that perhaps the right hon. gentleman felt some question about it himself, because, I see that, shortly after his return, when in Montreal a number of unemployed workingmen were anxious to see him, the Premier did not care to meet them and discuss matters with them. They might have asked unpleasant questions of that sort.

Hon. Mr. PLUMB—That statement was disproved in all the papers of the day, and the hon. gentleman ought to know it.

Hon. Mr. ALEXANDER—Still the event took place.

Hon. Mr. PLUMB—The event did not take place.

Hon. Mr. ALMON—Will the hon. genteman be good enough to state where he saw the statement made ?

Hon. Mr. POWER—I have seen the statement made in a number of places, and I have never seen it contradicted.

Hon. Mr. PLUMB—I beg the hon. gentleman's pardon ; it has been contradicted, and contradicted several times.

Hon. Mr. ALEXANDER—Will the hon. gentleman be good enough to name the journals in which the contradiction appeared, because I have seen the statement in two or three leading papers, and I have not seen the contradiction ?

Hon. Mr. POWER—I have heard the statement made at places where there was ample opportunity to contradict it. I heard the statement made the other evening in the House of Commons, and the right hon. gentleman did not contradict it.

Hon. Mr. PLUMB—Perhaps he was not there at the time.

Hon. Mr. POWER—I did not notice whether he was or not, but there were others there who could have contradicted it if it were not true I do not propose to say much about the hon. gentleman who lately filled the office of Minister of Railways. I have already adverted to the fact that while he drew a full year's salary he was

absent from the country half the year. He is not now a member of the Government, and it is not necessary to say more on the subject. Then the Minister of Agriculture has been absent from the seat of Government a great deal; and at the present time there is no Minister of Agriculture at all, I understand.

HON. MR. PLUMB—How could he be absent then?

HON. MR. POWER.—I think that when the Minister of the Interior, who has been a great advocate of economy, finds that the country can get along without two or three Ministers he will advocate reducing the number. I can commend that suggestion to him, since he was a great advocate of economy a few years since. The Minister of Finance was absent from Ottawa a good deal. The hon. gentleman went to England, it was understood in connection with a loan. It does not appear that his visit to England was of any special value to the country, because the loan was ultimately, as I understand, taken—as far as it was taken at all—by the agents of the Dominion Government, and it was not necessary that the Minister should go to England to attain that end.

HON. MR. PLUMB—Did the former Finance Minister go to England for that purpose?

HON. MR. POWER—We are dealing now with the present Government and not with the previous Administration.

HON. MR. PLUMB—I am just asking for information?

HON. MR. POWER—If the hon. gentleman does not know, perhaps he will be able to get the information: the thing happened a good many years ago.

HON. SIR ALEX. CAMPBELL—That is another man's ox.

HON. MR. POWER—The hon. gentlemen on the other side of the House can gore the ox on this side of the House when the time comes; it is not my duty. Then the hon. gentleman who sits beside the Minister of Justice, the Minister of the Interior, was also absent during a very large portion of the recess. I am glad to see that his journey to England, like that of the Premier, has been fruitful in honors to him, if it has not been fruitful of blessings to those who have business with his Department. I must say I think the honors conferred upon him are a very fitting end to a very successful career. But I wish to call attention to one fact in connection with the Department of the Interior; that, unless I am misinformed, the deputy head has been absent from Ottawa during a portion of the time that the Minister was absent, and that aggravates the objection to the Minister's absence. That is a Department which has a great deal of important business to do, and I think it is unfortunate that the deputy Minister should be absent at the same time that the Head is. Of course it is true that the deputy was in a place where he was able perhaps to do as much good as if he had been here.

Now we have this fact, that during the year which has just passed four Ministers have been in England. The country has lost their services at home here, and as far as I can see the Dominion has gained nothing by their presence in England, although it has had in most cases, to pay their travelling expenses in addition to their salaries. I think, hon. gentlemen, that this is a matter that deserves the attention of this House and of the public in a special manner, for this reason, that when we were called upon a few years ago to vote a large salary, to add considerably to the permanent cost of carrying out the Government of this country by providing a salary for a High Commissioner and contingencies for that officer, it was distinctly understood that the appointment of that official was to render those continual visits of Ministers to England unnecessary; that we would save as much money by having a High Commissioner in London, thereby rendering those visits unnecessary, as the appointment of a High Commissioner would cost. But, as a fact, since the appointment of a High Commissioner, the visits of Ministers to England have rather increased, which is a matter for grave censure on the part of Parliament. So far as this absence of the Ministers from the seat of Govern-

ment is concerned, if my information is correct, during the greater part of the period indicated in the resolution which I have the honor of laying before the House, there has not been a quorum of the Cabinet at Ottawa. One of the results of those absences of Ministers from their Departments is that there are complaints arising in all parts of the Dominion, owing to the delay, difficulty and expense attending the transaction of any business here at Ottawa, with the Government at large or with any Department of it.

HON. MR. MACDONALD, (B.C.)—Will the hon. gentleman name one single case?

HON. MR. POWER—I can name cases, but I do not propose to do so. The hon. gentleman will have an opportunity if he wishes, by and by, to contradict what I say. I make the statement, and I know what I am talking about, which perhaps is more than can be said of certain hon. gentlemen. Now in this respect the present Administration at Ottawa compare very unfavorably with their predecessors. Whatever might be said as to Mr. Mackenzie's manner of receiving visitors—taking the Premier by himself—whether his manner to visitors was quite as agreeable as the manner of the present Premier, there was one thing, he was always to be found in his office, and he was ready to give an answer to people who had business with him.

HON. SIR ALEX. CAMPBELL—Except when he went to England.

HON. MR. POWER—He only went once.

HON. SIR ALEX. CAMPBELL—He went twice.

HON. MR. POWER—If he did he went on business, and there were results apparent from his visit to England.

HON. MR. PLUMB—What were they?

HON. MR. POWER—This was true about the Mackenzie Administration; that there was always, or mostly always, a quorum of the Government at Ottawa to transact business.

HON. SIR ALEX. CAMPBELL—It is true of this Government also.

HON. MR. POWER—Not so true. Then the Government in this particular matter form a striking contrast with the different local governments throughout the Dominion If any man who has business to transact with one of the local governments comes to the capital of the province, he has no difficulty, as a rule, in finding the Government or the member of the Government he wishes to see, and his business is transacted cheaply and expeditiously.

HON. MR. PLUMB—How do you know? Have you transacted business with them all?

HON. MR. POWER—I have had an opportunity of knowing how business is done with a couple of local governments, at any rate. It seems to me it is perfectly absurd that a Government like the present Administration at Ottawa, which neglects its own legitimate business, should try to grasp jurisdiction over matters which belong to the different provinces, and which the provincial governments attend to in a more satisfactory way. The result of this interference has been just what one would expect.

HON. MR. KAULBACH—That is entirely foreign to the question before us.

HON. MR. POWER—Perhaps I am not in the habit of keeping as strictly to the line of my argument as the hon. gentleman from Lunenburg; but I must be excused, as I have not his logical mind. The country has suffered a serious loss from the neglect of the work of supervision of the different Departments; and as the cases I propose to refer to are matters of public notoriety, I will, to gratify my hon. friend from British Columbia, give instances in which the country has suffered from that neglect. The first matter is one which was referred to at considerable length in this House the other day—the mail service between the Mainland and Prince Edward Island. Under the Ad-

ministration of Mr. Mackenzie the gentlemen who support the present Government insisted that the system under which that service was carried on then was most unsatisfactory, and should be altered; but five years were allowed to elapse after those gentlemen came into power before any step whatever was taken to remedy this unsatisfactory state of things. Two years ago a committee of the House of Commons was appointed to consider the matter; sat for a long time; took a great deal of evidence; considered that evidence carefully, and made a report; and up to the expiration of about two years from the date of that report no step had been taken to carry out the recommendation of the report; and the Minister of Justice, when the matter was brought to his notice here, answered, as far as I could gather, that the thing had been overlooked. Now, clearly, if the Minister of Marine and Fisheries, instead of spending a great portion of the summer before last in London, had been in Ottawa, he would not have overlooked this matter; and the men who we were told were at work out of doors this winter with the thermometer below zero building boathouses, would have been at work at the same season the year before. Another matter that has suffered from want of supervision by the Minister is immigration. I see that the gentleman who lately acted as Minister of Agriculture has stated in another place that he does not propose to bring in a certain class of immigrants any longer—laborers and mechanics; that the immigration of that class is not to be encouraged. The objection to that class of immigrants was just as great two years ago as it is now, and if that gentleman had been attending to the duties of his Department I presume those immigrants would not have come who have come within the last couple of years.

We have had evidence in the legislation of the last few years that a want of familiarity with the requirements of the North-West has led to errors of considerable moment in dealing with that country. Then there is the Section B contract in connection with the Department of Railways and Canals. The contractors for part of the work on that section were awarded $395,000 for extras. It appeared that the Government arbitrator did not concur in the award. Sir Charles Tupper, the then Minister of Railways and Canals, declared that it was his intention to appeal from the award of the arbitrators. Unfortunately Sir Charles Tupper left the country shortly after Parliament rose last year, and owing to that fact, and to the fact that it took some time for the new Minister to become familiar with the duties of the office, the appeal was not taken, and $395,000 was lost to the country.

HON. SIR ALEX. CAMPBELL—The hon. gentleman is mistaken as to what Sir Charles Tupper said in that connection. Sir Charles Tupper did not state that he would appeal from the award, but that he would take advice as to whether the Government should appeal or not. He did take advice, and owing to the advice he received, he did not take the appeal.

HON. MR. POWER—The hon. gentleman has contradicted me before, and I shall at another time satisfy myself as to the exact language used by Sir Charles Tupper on that occasion. It is not the first time that the hon. Minister has contradicted me, and it has turned out afterwards that he was in error and not I. Although I accept his contradiction now, I do it subject to the reservation I have made.

HON. SIR ALEX. CAMPBELL—It so happened that in this case it was my advice that was sought.

HON. MR. POWER—In that case I shall withdraw what I said.

HON. MR. PLUMB—I think it shows that the hon. gentleman is dealing with a subject that he knows nothing about.

HON. MR. POWER—If the Opposition of to-day were to conduct their opposition in the same spirit in which the opposition of a few years ago was conducted in this House, I should turn around and say that the hon. Minister was to blame, and that there was something wrong about the transaction; but that is not the kind of argument that we believe in using. Section B has been disposed of; but I cannot help thinking that, even though I

was wrong as to the appeal, if the work of the Department had been properly supervised those contractors never should have got so large a sum as they did, and that it would have been much better for the Government not to have altered, as they did alter, the original contract with a view of making the work cost less. It would have been cheaper for the country to have built a more expensive road, and we should have had a better road, and would not have had to pay any more for it. I am quite uninformed on the next matter, except as I see it in the Public Accounts, and it is something as to which I presume the Minister of Interior, if he was here at the time the money was paid, would have made a very close inquiry. In the Public Accounts brought down this session I find the sum of $2,000 paid on account of Fort Frances Lock, to Mr. Hugh Sutherland. I remember that in the session of 1879, in reply to a question from the hon. gentleman who is now Minister of the Interior, the leader of the Government in this House stated that they did not propose to spend anything more on the Fort Frances Lock, and he intimated that the account was closed. That is what I gathered from what he said. I want to know now how it has happened that after a lapse of five years we find $2,000 more paid to a gentleman who was very harshly spoken of by the hon. gentleman opposite, in the days when Mr. Mackenzie was in power. I do not suppose that there is any connection between the payment of that sum, unexpected to some of us at any rate, and the fact that the gentleman who received it, years ago opposed the Government but has recently sustained them.

HON. SIR DAVID MACPHERSON—Do I understand the hon. gentleman to say that the payment was made through the Department of the Interior?

HON. MR. POWER—No, but I presume that the payment would not be made without the close scrutiny of the hon. gentleman as a member of the Government, and that some explanation would be given by him.

HON. MR. PLUMB—The hon. gentleman ought to ask for an explanation on a notice of inquiry.

HON. MR. POWER—I am shewing the reasons why this resolution should pass, and why it is in the interest of the country that the heads of the various Departments should be more attentive to their duties.

HON. MR. ALEXANDER—I beg to call the attention of the Chair to the fact that it is contrary to the dignity of this House that the hon. gentleman from Halifax cannot rise to address this Chamber without five or six Ministerial members constantly interrupting him. If such a system is to be introduced and continued there can be no order or dignity in the debates of this House.

HON. MR. POWER—It will be remembered by most hon. gentlemen, I presume, that, in the days when the Government themselves had charge of the Canadian Pacific Railway, their chief engineer laid down as a postulate that for a transcontinental railway which was expected to carry freight, no grade over 52 feet in the mile should be tolerated. If I am not mistaken the late Minister of Railways, from his place in the House of Commons, endorsed Mr. Fleming's views on that matter. If that was a sound principle, and I think it was, that for a railway that was expected to transport any considerable quantity of freight, no grade materially exceeding 52 feet in the mile should be allowed, then it was the duty of the Government to see that when the road was being constructed by a company no such grade should be permitted. What is the fact? The fact is that the Government have accepted from the Pacific Railway Company, the location of the road through the Selkirk Range where there is a grade of 240 feet to the mile.

HON. MR. PLUMB—There is no such grade, and no such acceptance.

HON. MR. POWER—The hon. gentleman has contradicted me before without reason, and I have no hesitation in saying that he has now contradicted me on chance, and that he is mistaken; and I tell the hon. gentleman, from the best authority—the authority of engineers familiar with the work—that there are grades between Kicking Horse Pass and Kamloops, of 240 feet to the mile.

HON. MR. PLUMB—And I tell the hon. gentleman there is no such grade on the road, and I have been over it.

HON. MR. MACDONALD, (B.C.)—The hon. gentleman from Halifax is out of order, and is travelling entirely beyond his record, in going into a discussion of the public works of the country, whereas his notice of inquiry is, as to the absence of Ministers.

THE SPEAKER—I do not think the hon. gentleman from Halifax is quite in order in the remarks he is now making, on the notice of motion before the House.

HON. MR. POWER—I have the greatest deference for the Speaker's rulings on such points as this, but it has not hitherto been the habit to confine a gentleman when speaking, strictly to the subject of his motion, in a debate of this kind. We are in this position: my resolution is substantially to the effect that Ministers should be more attentive to their duties here than they have been. I am pointing out cases where the country has suffered from their inattention, and I think that is sufficiently germane to the notice on the paper, to let it pass. We of the Opposition are not a baker's dozen in this House, and it is hardly fair—it is certainly not generous—to try to enforce rules of order against us in a way in which they are not enforced against members of the majority.

HON. MR. MACDONALD, (B. C.)—The hon. gentleman knows very well that figures quoted in this way cannot be answered at the time, and therefore it is unjust to the members of the Government to quote figures on a motion of this kind without notice by which members would be prepared to answer them, and I call for the ruling of the Chair on a question of order.

HON. MR. POWER—What was the hon. gentleman's position yesterday, then, when he was using figures which none of us were in a position to answer?

HON. MR. MACDONALD, (B. C.)—I gave a specific notice of motion.

HON. MR. PLUMB—It is evident that the hon. gentleman from Halifax is travelling out of the record, and that he is introducing statements here which will go before the public, and which hon. gentlemen have no opportunity to answer. I think the hon. member has no right, under cover of the resolution which he has brought in, and which is of a specific character, to make a general speech, and particularly one of the character that he is now making. He is making statements of the gravest importance, which can have no special reference to the question as to whether the Ministers were in Ottawa at one time or at another, and I think the House ought not to be called upon to submit to it.

HON. MR. POWER—The Speaker has ruled, and the hon. gentleman has made his point.

THE SPEAKER—With regard to the point raised by the hon. member from British Columbia, I cannot recede from the ruling that I have made, though I quite agree with the hon. gentleman from Halifax when he says that there has been generally a great deal of latitude allowed in debates on a motion of this kind; but when my attention is called to the point of order I am bound to decide it according to my view of strict Parliamentary practice.

HON. MR. POWER—Fortunately the rules of Parliament afford other means of bringing this matter to the notice of the House, and I shall take the opportunity to bring this and other matters before the House on another occasion. My hon. friend behind me (Mr. Macdonald) who is so sensitive on this point—the route of the Canadian Pacific Railway through British Columbia—will allow me to mention three or four other matters which I had proposed to deal with. The next after the one I was just speaking on was the road north of Lake Superior; the next was the Algoma branch of the Canadian Pacific Railway, and then there was the contracted road in British Columbia in the hands of the Government. Another result of this non-attendance of Ministers to their official duties, is the ignorance which has been shown, in another place

more especially, of the business of their Departments. Ministers have there confessed that they were unaware of things of the greatest importance occurring in their own Departments. Then, a thing which perhaps comes home to us in this House more forcibly than others, is the way in which the work of the session is affected by the conduct of the Ministers. Every member of this House knows that with the exception of an occasional measure which is introduced by the Minister of Justice, Government measures are never ready for introduction during the early part of the session. Measures dealing with matters of great importance, which it is the duty of the Government to prepare and have ready for the meeting of Parliament, are not ready, and they are left after Parliament has met, to committees of Parliament to deal with; and, as a matter of course the work is done by those committees in a hurried, crude and imperfect way. For instance, there was the License Bill, a most important measure dealing with a great many interests, and treading upon very delicate ground. That Bill was left to be dealt with by a committee, and the result has naturally been a great deal of trouble and confusion since it went into operation. The same course has been adopted this session in respect to another most important matter; that is the question of insolvency, and I presume the same result will follow. While the Government are trying to grasp jurisdiction which belongs to other governments, they abdicate their functions and delegate them to Committees of Parliament whose duty it really is not to do this work; while some of the measures introduced by the Government themselves, owing to the hurried way in which they have been prepared, are not very much better than those which come from the committees. Every hon. gentleman knows what our experience has been in this House: that we are here for a month or six weeks doing nothing—practically doing nothing at all—and, at the end of the session, when the weather becomes oppressively warm, and when members are worn out with remaining in these buildings, and spending so much time in their comparatively unwholesome atmosphere, important measures are rushed through at railway speed, and we are not given time to discuss them; so that really the work of this House, towards the end of the session, becomes a mere burlesque on legislation. I think, if on this account alone, it is most important that the Government should be in their places during the recess to prepare measures which they propose to lay before Parliament, so that they could be dealt with at leisure, and with attention, at an earlier period in the session. It seems to me that this House should assert its own dignity in connection with this matter. On different occasions hon. gentlemen have stated in their places that, if this condition of things recurred another year, they would stand on the rights of this House and refuse to pass legislation in that hurried way in which the Government insist on having it done; and I do not know that any member here has taken stronger ground on that point than the hon. gentleman who now fills the chair. I have tried to put my views on this subject before the House in as temperate and as reasonable a way as I could. I have tried to point out that as regards the present Government the regular work of the Department is to a considerable extent neglected; that there is not that supervision of the public expenditure going on in the Departments which there should be, and last and most important, that there is no proper preparation of the work of legislation for each session. I think on these grounds the Government deserve a certain amount of condemnation; and I repeat again, that the public have a right to know how their stewards discharge their duties in return for the salaries which they receive; and I may add, as bearing on the propriety of the motion, that when Mr. Mackenzie's Administration was in power the newspapers of hon. gentlemen opposite raised a tremendous outcry if any of the Ministers were absent for any time from Ottawa. I beg to move the resolution of which I have given notice.

HON. SIR ALEX. CAMPBELL—The motion which the hon. gentleman has made is, I think, unworthy of being presented to the House and quite unworthy of adoption. The measure of the work of public men, Ministers of the Crown, is not to be gauged by the number of hours

that they attend at their offices, but by the result which they accomplish; and if the hon. gentleman, himself, and his friends, are dissatisfied with the result which the present Government has accomplished, why do they not propose a motion of want of confidence in the other House instead of seeking in this way for impossible returns with reference to the action of each individual member of the Government? If members of the Government—occupying, as they do, high positions—are not to be trusted by the country with the disposition of their time, if they are not to say for themselves how many hours they find it necessary to give to the public service, they are not worthy of being in office and should be displaced. The only points which I think it expedient to contradict in the statements which the hon. gentleman has made, not that it is of any importance in reality, but because the uncontradicted assertions might wound the feelings of those who are concerned, are these: In the first place there is no member of the Government who has been here so constantly and who has attended to his duties as assiduously as the Minister of Agriculture. The hon. gentleman says that there is no Minister of Agriculture. Mr. Pope is Minister of Agriculture, and no member of the Government has been here so constantly as he has been. The other allusion of the hon. gentleman which I desire to refute is that to Sir Chas. Tupper—that he has been drawing a salary while not here to attend to his duty. The hon. gentleman, I think, must know that Sir Chas. Tupper while drawing his salary as Minister of Railways, was discharging the duties of High Commissioner in England and was not drawing his salary as such, though if he had done so he would have been entitled to more than he actually received. That, I think, is a sufficient answer to that statement. I merely mention these two cases to save any personal unplesant feeling on the part of these gentlemen. I do not object to the hon. gentleman drawing any conclusions he pleases with reference to the way in which Ministers discharge their duties, but I do object to asking for a return which, if we yield to it, would bring upon us the deserved contempt of everybody. I am obliged to resist the motion of the hon. gentleman and to express my hope that the House will not vote for the address.

Hon. Mr. ALEXANDER—The style of reply to which we have just listened from the Minister of Justice is very characteristic of that hon. gentleman, and it is a style which we have listened to not only during the present session, but in former meetings of the Parliament of this country. I regret that he has not a little more self-respect and respect for the House. The motion of the hon member from Halifax is a very proper one, and one which is called for, if we listen to the voice of the people of this country. The hon. gentleman thinks that the Senate will laugh and will endorse, perhaps by a smile, the frivolous remarks which he has just made upon this motion. I can only say to the members of this House that if they endorse them by laughing and by the semblance of acquiescence the people of this country will not and do not endorse such a reply, nor are they of the opinion that the members of the Executive in this country are discharging their duties as responsible men. He says that the hon. gentleman speaks like a schoolmaster. The hon. member from Halifax is speaking the voice of the people as I know it to be—the voice of the people and the voice of the Press of this country. We cannot take up the leading journals of Toronto and other cities without finding comments upon Ministers being absent from their duties and from their offices on many occasions. Now with regard to the question of Ministers being absent from the Capital, the people of this country are of the opinion that they are too much away from their offices. Gentlemen residing in the North-West frequently come to Ottawa only to find that the Minister of the Interior is absent in England for his own pleasure, perhaps for his health. If it was his health that led him there I do not desire to make any remark, because when the health of any member of the Government fails there is a proper sympathy for him, but if he goes for personal objects of his own, whether to receive positions of honor from the Throne or to travel on the Rhine—whether to go to watering places on the Rhine, such as Homburg, and Baden-Baden, which I know well—knew forty years

ago—if that is the object, then I say such men are sadly derelict to their duties as members of the Government. As the hon. member from Halifax very truly said, the Ministers of the Crown are paid high salaries—enormously high salaries for a country like this. They would not be high salaries if they did their duty as responsible men faithfully; if they endeavored to organize their respective Departments, to see that their clerks did their duty, shared in those duties, and had not their offices full with a greater number of clerks than they required. I remember one instance of a Minister of the Crown who is not very far distant from me now, proceeding to British Columbia on a public mission, and the hon. gentleman, of course knighted by the Queen, cannot travel without his private secretary upon a long mission to British Columbia; and what was the object of that mission? The object was ostensibly to settle some grievances in the province. I believe several members of this House, as well as myself, saw a most extraordinary telegraphic despatch in the daily *Mail* of Toronto, containing words used by the Minister of Justice when he visited British Columbia. He told the people of that province that he came all the way there in order to satisfy them with regard to their grievances, and he begged to assure them—so the telegraphic despatch in the *Mail* said—that they should have the Island Railway (after we had voted nearly $70,000,000 for constructing the main line of railway from Montreal to the Pacific)—that they should have their Island Railway because Sir John Macdonald never could forget that they returned him by acclamation when he was rejected by the electors at Kingston.

Hon. Sir ALEX. CAMPBELL—That statement did appear in the papers, but it was an untrue and incorrect statement of what occurred.

Hon. Mr. ALEXANDER—I am glad to hear that the hon. gentleman contradicts it.

Hon. Sir ALEX. CAMPBELL—I did not contradict it to satisfy you.

Hon. Mr. ALEXANDER—I hope he did not say such a thing, for the sake of his own honor. For a Minister of the Crown to make such a corrupt statement, that an expenditure should take place of $750,000 to repay a constituency for returning a man who had been rejected by an Ontario constituency—could there be a more dishonest sentiment, and one more unworthy of a member of Parliament or a Minister of the Crown. I am sorry that my hon. friend from New Westminster (Mr. McInnes) is not in his place; he and other members from British Columbia bore testimony to the fact that there never was anything more unwise and uncalled for than the vote that was given last session of $750,000 for the Island Railway, which is nothing but a job, a job of the blackest character. I hope the project will never be carried out. That was the object for which the hon. gentleman went to British Columbia, for which a large amount of money was expended, that he might go there simply to carry out an unholy purpose. I cannot use milder terms to characterize it. I will not comment upon the late mission of the first Minister of the Crown to England. He has served the country during a very long life and has displayed very great ability. He has done many wise things in his time, and he was in former days very much respected. I only wish as an old conservative, as one who was born a conservative and will die a conservative, that I could have the same respect for that hon. gentleman now that I had in former days. From his recent acts, his recent ways and his whole parliamentary course latterly, which has such a semblance of recklessness and abandonment of principle, he has forfeited the respect of the people. Look at the complications that are now coming up. Look at the delegations that are coming to Ottawa—but I am transgressing the rules of the House in referring on a motion like this to his utter abandonment of all principle and prudence. With regard to the Minister of the Interior, I expect nothing at his hands on any mission but that he consults his own convenience, luxury and pleasure. He goes to England; I do not know whether the expense of his mission to England will be charged in the Public Accounts; it would be a very dreadful thing if it is.

HON. SIR DAVID MACPHERSON —Before making the insinuation the hon. gentleman should have looked at the Public Accounts. He knows very well that the expenses of my trip to England are not charged in the Public Accounts.

HON. MR. ALEXANDER—I have only asked the question.

HON. SIR DAVID MACPHERSON —The hon. gentleman has insinuated that they were—insinuated it in the most cowardly way.

HON. MR. ALEXANDER.—I hope the House will adopt this motion (laughter). Hon. gentlemen laugh. I generally stand alone on such questions in the House. Either I must be very wrong or the rest of the House are; but I may be permitted to say that if I have had the House against me on three or four occasions lately I have the country at my back. I could read letters from four or five counties stating that I should go on in the course I have been pursuing no matter with what contumely I am treated by the Senate. I know that three-fourths of the members have a strong attachment to the first Minister of the Crown; but I can tell this House that if Sir John Macdonald were taken the Government would be broken up like a rope of sand. It is attachment to Sir John Macdonald—long party attachment to him personally—that keeps the party together. I do not say that there are not some honorable members in the Government, such as Mr. Carling, Mr. Pope, Mr. Caron and Mr. Costigan, but as for the two leaders in this House they act daily as if they were irresponsible men. The Hon. Minister of Justice, when I gave notice of a motion to inquire into the management of the affairs of the Bank of Upper Canada, actually gave notice that he would prevent me from speaking. Good God, to what has the Senate come, that a member of Parliament is not to be allowed to address the House! Is he becoming lost to all sense of responsibility? Does he think that he can depend long upon a complacent and amiable majority, to go so far as to prevent a member of this body speaking on a public question? Surely the House will not degrade itself by following a corrupt Minister, a Minister so corrupt that he does not scruple to call upon his supporters to silence an opponent!

HON. MR. MACDONALD—I call the hon. gentleman to order; he is using very improper language, of a personal character.

HON. MR. PLUMB—It does not amount to anything; let him go on.

THE SPEAKER—The hon. gentleman from Woodstock will please confine himself to the motion.

HON MR. ALEXANDER—I generally have the good fortune to say all that I desire to say before being called to order. My hon. friend (Mr. Gowan) was so kind upon a recent occasion as to let me go on until I had delivered nine-tenths of my speech. I have no expectation that my remarks made to-day will have any effect on this body composed, though it is, of the most estimable men in the country. I know that the considerations of party, and their old attachment to Sir John Macdonald, influence them powerfully. The leader of the Opposition (Mr. Scott) I perceive is in his place. I take this opportunity of observing that there is no more servile follower of Sir John Macdonald than he has proved himself to be. He generally prevents the hon. member from Halifax (Mr. Power) from giving expression to the opinions of the people, and may truly be said to be a fraud upon his party. I am not going to impute motives; I have no right to impute motives, but when the Government are scattering money broadcast in a reckless manner we never hear his voice raised against it. When I am trying to unearth corruption and crime in the country does he ever raise his voice to help me? Does he ever lend his assistance to correct great public evils? No, he is always ready to throw his influence in with the leaders of the Government. He takes the shilling from Mr. Mowat who employs him as prosecutor for the Crown; but as I once told Mr. Mowat—and I tell himself now, he is little better than a fraud on the party.

HON. MR. HAYTHORNE—I may be permitted, as seconder of the motion,

to say a few words. It is a fact that I was appealed to by my hon. friend from Halifax for that purpose, and I gave permission that my name should be used as seconder. Perhaps if I had studied the question a little more closely, I might have acted differently, but as it stands now, the hon. gentleman from Halifax, having had full opportunity to ventilate his views on this question, and the Minister of Justice on the opposite side of the House having announced that the Government cannot agree to it, perhaps the wisest thing the hon. gentleman could do would be to ask the House for leave to withdraw his motion. That is the course I would ask him to adopt. I would sit down now, but that I wish to state my appreciation of the courtesy and candor with which I have been treated by the Minister of Justice in bringing forward matters affecting my own province, and to say that the result of the debate alluded to by the hon. gentleman from Halifax, was made known to my province by telegraph, and already has appeared a recognition in the Opposition press of the readiness with which the leader of the Government in this House answered my question on a recent occasion, and expressing their thanks to him for so doing. This being so, I do not feel inclined to cast any measure of reproach upon the hon. gentleman; I could not do so, and for that reason amongst others, I would seriously suggest to my hon. friend from Halifax, the propriety of asking permission to withdraw his motion.

Hon. Mr. KAULBACH—I am very glad to find that now, since the seconder of the motion has asked that it be withdrawn, it has nobody in the House to endorse it except the hon. member for Woodstock. Anything which has his endorsation is not likely to meet the approval of the House, and I am sure that the sentiments which have been expressed by the mover of the resolution do not find an echo in this Chamber. I merely rise to say that as far as the Ministry are concerned I believe the regret of the country is that they do not take more holidays. The complaint in Nova Scotia is that they do not come down there oftener. We had a visit from the Minister of Justice last summer, and the complaint in Lunenberg was that he did not manage to come there; the people would like to have seen him. If he should come down next year—as I hope he will—we trust that he will visit that part of the province. I know the whole country is anxious that the members of the Government should make themselves personally acquainted with the industries and wants of the people. And if there is anything the Ministry deserve censure for it is for keeping themselves too close to the Capital during the recess of Parliament when they should be making themselves familiar with every part of the Dominion. We find a Minister going to British Columbia, and as the result the province is benefitted by his visit. We have an earnest of what a Minister going down to Nova Scotia can do, and we hope his visit to that quarter will be renewed. I do not believe there has been a want of a quorum at any time at the Capital, but that Ministers should remain at Ottawa all the time to look after their deputies is a suggestion that does not appear to be worthy of my hon. friend from Halifax. He generally takes a higher view of the duties of members of the Government, and also of the capacity of the deputy Ministers. Surely he does not imagine that Ministers should remain here to watch their subordinates and see that their routine work is attended to properly. I say the Ministers can attend to their duties whether at Ottawa or not. I am sure that everyone feels that the Dominion has been honored by the leader of our Government going across the Atlantic. I hope he will take a trip to England every year; his visits there have done immense good to the country. When he is honored the country is honored. I hope that every member of the Government will, as frequently as possible, pay such visits, and thus strengthen the feeling in favor of federation. I am glad to find that there is no sentiment in this Chamber in support of my hon. friend's motion, and that the only member who has expressed himself in favor of it is the hon. member from Woodstock, who has exposed himself to ridicule and stands alone. His remarks are such as no man, having a judicial mind and giving proper attention to his legislative duties, would venture to utter in this House.

HON. MR. MACDONALD—I thought when the hon. member from Halifax placed this notice on the paper that he had discovered some wonderful mare's nest, and that the country had been suffering because some important business had been left undone; but he has failed utterly and entirely to point to one single instance in which the Government have neglected their duty. His speech, stripped of matters which were entirely foreign to it regarding payments to railways and other things, really contains nothing. I was surprised when I saw this motion on the paper; but I am no longer surprised; it is worthy of the member who made it. I am glad that he has found no one to second it. It is a most snivelling, inquisitorial motion, and worthy the man who made it.

HON. MR. POWER—As the mover of the resolution, I have a right to say a few words. I do not propose to trouble the House with any reply to the remarks that have just fallen from the hon. gentleman behind me (Mr. Macdonald). I do not think they deserve any reply; and I do not propose to say anything in answer to what the hon. member from Lunenburg has said; but I do think, in justice to myself, that I should say a few words in reply to what the Minister of Justice has thought proper to state. He said that my proper course was to move a vote of want of confidence.

HON. SIR ALEX. CAMPBELL—Or his friends in the other House, I said.

HON. MR. POWER—When the Government have a majority of two-thirds, moving a vote of want of confidence is merely an absurdity and a waste of time. When the hon. gentleman's party were in power that was not the course they adopted. They did not move votes of want of confidence in the other House, but they attacked the Government in this House persistently and in all sorts of ways. The hon. gentleman considers this motion a reflection on the dignity of the Government. He intimated in the course of the remarks he made a few minutes before I began to speak that the Government were only a Committee of Parliament. Now, as I said at the beginning of my remarks, every member of this House has to make a declaration as to the number of days he has been present in Parliament, and it is not felt that his honour is attacked, or that there is anything contemptible or mean about it; and I fail to see that there would be anything derogatory to the dignity and honor of a member of the Government in making a statement of the number of days he was present at the seat of Government. I think that the resolution I have put on the paper is a perfectly proper and reasonable one for the reasons which I gave when moving it; but as after the declaration of the Minister of Justice, it is quite clear that the motion will not carry, there is no special object in pushing it to a vote; and as the seconder has already expressed his desire to withdraw it, I am perfectly satisfied, and I therefore ask leave to withdraw the motion.

The motion was withdrawn.

REAL PROPERTY, NORTH-WEST TERRITORIES BILL.

DEBATE CONTINUED.

The order of the day having been called for resuming the debate on Sir Alex. Campbell's motion for the second reading of Bill (A), "An Act respecting real property in the North-West Territories."

HON. MR. SCOTT said: As no hon. gentleman seemed disposed to continue the discussion on this Bill, it seemed to fall to my lot to move the adjournment of the debate on the previous occasion. I had no definite object in doing so, as I had no matured opinion on the subject that I thought worthy of giving to the House. It is a measure of very great importance, and is one that ought to be very well considered before one commits himself to the proposed change in our law intended by this Bill, and much less to advise others to adopt a principle which is entirely new to our system. I have observed that the Minister of Justice, in introducing this measure and giving us the full explanations that he furnished, did not himself seem very earnest or very enthusiastic in the opinions which he expressed as to its superiority over the system of land transfer already in existence

in the North-West. I rather gathered from his observations that they were a reflex of the opinions of people behind him. I know that those who have taken up this project are very enthusiastic over it, and are deeply in earnest; in fact I know of no other subject that is taken up in such earnest by the advocates of it, and what their motive is, or what the object is, has not been very fully discussed. We know that in Australia, when it was introduced there, it met with signal favor; but we know the condition of the Australian colonies with regard to land titles was entirely different from the condition of Canada. We know that the Australian colonies were at first settled by active, vigorous, earnest, determined men, who in the first place went out there attracted by the discovery of gold, and who afterwards were induced to remain there by other advantages than the mere digging and delving for the precious metals, but they carried with them when they went there a system of land transfer that is in no degree akin to ours. We know that the system of land tenure in England is extremely complicated. It arose out of the old feudal system, and was unsuited to the requirements of a new country, and changes in the law in the Mother Country have been extremely slow. It was quite natural, when the Australian colonies introduced the system of land tenure which they carried with them across the broad waters to that new country that it should have failed, as it was wholly unsuited to their condition. It was very expensive, and subject to entail and trusts which were wholly out of place in a country where land had not attained any special value; where there was enough of it for every man who chose to acquire it; where they were enabled to take it up, not in the restricted way it is in this country, but by thousands and tens of thousands of acres, and it was quite natural that they should look for some more simple system for dealing with this question than the one which was necessarily the outgrowth of their connection with England. They therefore went exactly to the opposite extreme, and put land down to the level of stock, under what is known as the Torrens system, and permitted real property to be dealt with as chattels. They at once became alive to the advantages which the new system of land transfer offered over the old one, and I can readily understand why they became enthusiastic in its adoption. But the state of things that existed in Australia does not exist in Canada. We in this province—and I have no doubt the observations I make are equally applicable to the provinces down by the sea—having control of our own affairs, very quickly discovered that there was a more simple and common sense way of dealing with this question of real property than the way in which it was dealt with in the Mother Country, and from time to time in the Province of Ontario, and no doubt in the lower provinces also, laws have been introduced simplifying the transfer of property, and enabling us to expess by our deeds, exactly what we wanted to do. The policy of this country was entirely averse to entails or the locking up of property as it is locked up in the Mother Country, and the feeling of the people of Canada has been altogether against it. The value of our lands was not sufficient to warrant us in adopting the system in the Mother Country. It was a necessary concomitant of the British constitution that entails should prevail in England, and that the broad lands held by the aristocracy, should be handed down to their heirs and descendants from one generation to another. If it were not so—if the House of Lords were not the representative class of the vast areas of land in Ireland, England and Scotland—I assume that the agitation of to-day, which has not become a very important, but which has some force, and is discussed very vigorously in the press, would meet with very much greater resistance than it does. In Canada, more particularly in Ontario, where we have dealt with this subject of simplifying the transfer of real property, we have done so in such a way as really, in my judgment, to largely dispense with the necessity of introducing at the present time any new principle. We are, however, considering this principle, not as affecting ourselves, because I do not suppose there is any hon. gentlemen here personally dealing with it, as owners of land in the North-West. We are dealing with the North-West as part of the unsettled domain of Canada, and if this system can be introduced at all, in my judgment it is only in that country

at present, because there land is not in any way committed to any principle of tenure, and as I understand from the Minister of Justice in his remarks on the introduction of this Bill it is as yet held altogether by the Crown. As a matter of fact only three hundred patents have been issued in that country, and therefore if the system is to be tested at all I quite concur in the view that the North-West Territories afford the very best opportunity for trying the experiment. Some observations were made in the hon. gentleman's comments on the Bill that there was a probability of Mr. Mowat bringing in a Bill to apply the Torrens system to a portion of Ontario—the City of Toronto and the County of of York. I have not myself seen any reference to it, that it was in contemplation. I should myself very much doubt it, because I do not see the necessity for it in this province. The conditions under which land is held in Canada, in Ontario particularly, are so simple, and so easily controlled, that unless we are prepared to adopt the principle which is laid down in the measure before us, there would be no object in introducing the system simply for the purpose of lessening the cost of transfer or enabling us to deal more freely with lands, for so far as deeds or mortgages are concerned we now shorten them quite as much as they would be shortened under this Bill, because we make a single word by a legal interpretation mean what otherwise would be expressed in 20 or 30 words. For the mere purpose of reducing the cost of conveyancing I cannot see that any real object is to be gained by this Bill.

HON. SIR DAVID MACPHERSON—There is the cost of searches.

HON. MR. SCOTT—I think the main subject for us to consider is whether the principle itself is a sound one. If we adopt the principle, then the Bill follows, as a matter of course, and the details of this measure are necessary. I do not regard them as being in any degree cumbersome. I think they are very clear, very expressive and very simple, if you once commit yourself to the principle; and therefore in the discussion of the subject and the Bill I should limit my observations rather to the principle of the measure than to any of its details. It was interesting to us, of course, that the Minister of Justice, who introduced this measure, should have given us the history of it, and given us the general scope of the Bill—apart entirely from the principle,—but I think it will be infinitely better in dealing with it on the second reading if we confine ourselves purely to the principle, because, in my judgment, that is the important matter for the House now to consider, and it may be broadly stated that we are introducing a new principle under our constitution so far as land is concerned. By converting land from real estate into chattels real, we take from it all the incidents that accrue to lands, and put them in the same catagory we do our stocks. Land under this Bill, this measure being in operation, is regarded as a chattel, and transferred from hand to hand with nearly as much facility as stocks of an incorporated or chartered company. We have therefore in the first instance to consider whether we are prepared to take that step—whether it is in the interests of the great mass of the people that they should have this form of transferring their land, that it should be attended with as little ceremony as the parting with a horse or a cow or a bill of goods, or a certain amount of bank stock? We know very well that one of the important considerations in dealing with real estate—I am speaking now of improved real estate—is the feeling that a man's wife has about it. She is an element that has to be considered, and therefore it has to be discussed, and cannot be done hastily. If this Bill is passed dower is abolished; a man deals with his estate just as he does with stocks. His wife has no voice in the transaction. I think myself there are very great advantages in surrounding the transfer of real estate with certain forms and ceremonies, with certain checks at all events, that cannot be dealt with hastily. The new system presents this peculiar feature, that to an improvident man it gives him a wonderful facility for hypothecating his property for a loan. We know now with what readiness speculative men go into the market; and if they have stocks they put them up and pledge them for money, and very often ducks and drakes are made with the proceeds. If a man can take his land certificate, which really does not occupy more space

than an ordinary bank note—if he can take that memorandum into a broker's office, or into a loan companies' office and say "here is my property; it is worth $10,000, and I want a loan of $6,000 or $7,000 on it; will you give it to me?" It may or it may not be a very good thing for that man to get the loan. He may make excellent use of the money, but he may be doing it on the spur of the moment; whereas if he had to mortgage his property, and give an abstract of title and consult his wife and neighbors, as is frequently the case, it is questionable whether the loan would be carried out. I think myself many a transaction of this kind has been nipped in the bud by a man sleeping over it. In dealing with property under this condition of things, he need not sleep over it, and opportunities for borrowing money on property are abundant. We know there is a vast amount of money in the country waiting investment in every direction, and with proper securities here is a capital opportunity for those who have money to lend to those who want to borrow. In committing ourselves to a principle of this kind, it is for each hon. gentleman to decide for himself whether it is a sound one. It is not one of which I should express any very strong opinion; it is an opinion we can all of us better arrive at from our own judgment, and from our knowledge of the present condition of things, and how we think the proposed system would best work. The people that this Bill would best suit are those who have money to loan and those who want to borrow, and if we pass this Bill the question is would it be fair to the banks of the country? Now, we will get real estate down on a level with stocks; why should not we alter our law and permit banks to advance money on certificates of this kind? We did permit banks to advance money on the stocks of other banks, but we put a stop to that to check the spirit of banking institutions which tended in the direction of unlimited speculation, and I say if we are to adopt this principle, then I think it follows, as a natural sequence, that we must permit banks to be placed on a par with loan societies and with individuals who have money to lend out on real estate security. I think that is the natural consequence that must follow. We permit the banks to make advances on warehouse receipts and cargoes of wheat and all sorts of personal property, in bulk and character quite equal and in many cases largely in excess of the value of the property that would be represented by those certificates known as registered certificates of real estate, and in my humble judgment that is really the first question that meets one in the consideration of this Bill. If we think that it is in the interest of any part of this Dominion that the character with which land heretofore has been invested should be entirely removed, and that it should be reduced to the basis of the personal chattel that a man can deal with and put in his breast pocket and go abroad and pledge it or dispose of it or deal with it in any way he likes—if they are prepared to take that plunge, then we should adopt this Bill. I may perhaps be drawing a too highly colored view of the effects of this measure, although I can scarcely plead guilty to this charge, because, as the only result of the introduction of a measure of this kind, in the North-West, I suppose it would have this advantage, that land there has not attained to the value it has in the older provinces of the Dominion, and at all events for the next quarter of a century the lands in the North-West will pass from hand to hand rather more frequently than they do in the older provinces in the Dominion. It is rather an incident of our civilization that when men go into a new country and hold lands for a limited time, they seem to like to sell out and remove to a newer one. That seems to be the tendency in the North-Western States and in our own North-West. The pioneers sell out and go further west. This of course would favor that feeling. At present a man can, by drawing a very short paper, give a deed to A for life and to B, if he survives A, to be his heir after A, for both to enjoy it in their respective lives. That is not an uncommon case where a father, having improvident sons, wishes to give them a certain amount of money to enjoy the use of during their life-time; to prevent them from disposing of it he gives them a life interest in the property, and fixes the final limitation at the lifetime of B. It is not an uncommon thing, and is in some instances a very useful disposition of

property. Under the condition of things contemplated by the measure, that would be quite impossible. Then, in dealing with real estate under a will, a man cannot deal with his property as we have been accustomed to regard real estate in the past. He may now devise trusts; he may limit it to his wife for life, with remainder to unmarried daughters, and finally to his son or the son of his son; but his will would be perfectly valueless with this law in operation, because he distinctly says, no matter what devise is made in the will, the land must go absolutely to the devisee, and the executor can absolutely take the property in defiance of the man's own will or direction. Whether that is a wise or prudent course is for hon. gentlemen themselves to consider. Whether they would like their own properties to be dealt with in that way under the disposition they would like to see made of devises is a matter that every member is the best judge of in his own individual case. The Bill has just the advantages that I will now call attention to—that it affords very great facility for the transfer of property. It makes the transfer of property as cheap as it is possible to make it; it gives to the purchaser or mortgagee who desires to loan money on it the undoubted assurance that the title is good, and it is a Bill entirely in the interest of the purchaser in that sense, because, wholly irrespective of the history of the property, the moment he gets this certificate from the Registrar he feels that he is the absolute owner of the property.

We all know that at present, even with our elaborate yet simple system of registration, people feel a little nervous about special deeds antecedent to the one which gives the title to the latest purchaser, and therefore there is that natural feeling on the part of the purchaser that he would like to see some law enacted under which he would be really sure that he could not in any way be divested of his property. My own experience has led me to the conclusion that under the system prevailing in Ontario, and in the Maritime Provinces also, very few cases occur in which the title cannot be traced with a reasonable amount of expense, and if there are clouds on the title that it is desirable to remove, the courts have adopted just such machinery for what is called quieting titles, as, with some degree of diligence and a small amount of expense, enables the purchaser to place himself in a position as absolute owner. Of course it costs something, and it is attended with some little delay and trouble. Whether you think that the advantages to be gained by quick transference, of absolute title and facilities for dealing with the subject overbear the other view, is a matter for this House now to consider. Those are the main features in connection with it. I do not think it is necessary for me at this hour to go into the details of the Bill. The Minister of Justice explained it very fully to the House, and I thought it better at this particular stage to draw attention to the principle of the Bill rather than to the incidents that would grow out of it, because if we are prepared to adopt the principle, then I think it is a very good measure. If the House is of opinion that the introduction of that system is advisable; that it is suited to our special civilization, then the Bill is in other respects fairly good, with some few changes—not very many. Where I see that it is likely to do harm is in the affording too great facilities to us to part with our property and encumber it with mortgages. I can readily understand how, with the moneyed class, this Bill is held in high favor, but I feel that if we introduce this measure—of course I am speaking generally, and perhaps my observations are out of place inasmuch as the North-West is comparatively in an unadvanced position now—it should be within the power of the banks to advance on certificates of that kind as much as it is the privilege of a loan company to lend money on real estate; because we at once place land in the same catagory with merchandise and stocks, and if a bank can advance on warehouse receipts and stocks, there is no reason why they should not advance on certificates of this character. I can quite understand why Australia, from having an expensive and cumbrous system of land transfer, should rush into the other extreme when they came to reform it, and we all know that lands there, outside of the principal cities have not been so valuable in that sense. The acquisition of lands there was less limited than with us, because their country was so very large, and the principle of the Torrens system being one which was

highly in favor with those who had money to loan, they naturally became strong advocates of the Bill, while the outside public knew very little about it. In this country it has not been a subject that has been much discussed in the newspapers. As to the great mass of the people, they know nothing about it. They suppose that those who represent public opinion will see that no hasty change is made that will entirely revolutionize the principles on which we have been accustomed to deal with lands in the past. I think myself it is a very great plunge, and should not at the present time like to see it adopted in Ontario. I have no objection to its introduction in the North-West and giving it a fair trial there, because the time is not very far distant when we will be investing that country with power to pass laws for itself; and then when that time comes they can themselves reverse the principles that are laid down here, if it fails to work satisfactorily, and can revert to the old system, so that no serious injury can be done. To that extent I see no objection to the trial being made, inasmuch as lands, for the next quarter of a century at all events, will freely change hands there, and it may be desirable to give all reasonable facilities for such transfers. It must be recollected, however, that we at once ignore the rights of the wife to have any voice in her husband's estate. That right is taken away, and the man deals with his property just as he does with his chattels. In Ontario we have made some encroachment on the dower law; that is, dower does not exist on wild lands—lands that are uncultivated.

HON. SIR ALEX. CAMPBELL—Dower runs during the lifetime of the wife?

HON. MR. SCOTT—The wife must join in the dower unless it is shown that the land is wholly uncultivated. The wife can be very much more readily barred than she formerly could.

HON. MR. PLUMB—She inherits the same as in personal estate at death.

HON. MR. SCOTT—Yes, and that element of it is preserved in this Bill. She would now get one-third of the personal estate, and real property becoming personal estate under this measure she would still get a third, and if the husband died she would not be so badly off in that respect as she would be if he sold the land in his lifetime. If he dies, under this law his real estate merges into personalty, and the wife gets her proportion out of it as personal estate, and is not thereby damaged to the same extent as if he had parted with his real estate before his death. It seems rather a paradoxical position that the wife's dower is governed entirely by the fact whether her husband deals with it in his lifetime. These are points that strike me in looking at the Bill that ought to be carefully considered.

HON. SIR DAVID MACPHERSON moved the adjournment of the debate until to-morrow.

The motion was agreed to.

BILL INTRODUCED.

Bill (J), "An Act to comprise in one Act a limitation of the share and loan capital of the Hamilton Provident and Loan Society."—(Mr. Turner.)

CANADA SOUTHERN R. R. CO. & ERIE & NIAGARA R. R. CO'S. BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (9) "An Act respecting the Canada Southern Railway Co. & Erie & Niagara Railway Co." He said the object of the Bill was merely for an extension of the time allowed for the construction of some parts of the line of the Canada Southern Railway Company.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 6 o'clock p.m.

THE SENATE.

Ottawa, Thursday, March 5th, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (K), "An Act respecting explosive substances."—(Sir Alex. Campbell.)

INTRODUCTION OF BILLS IN THE SENATE.

INQUIRY POSTPONED.

The order of the day having been called:—

That he (Hon. Mr. Plumb) will call attention to the desirability of encouraging the initiation of Private Bills in this House, with a view to the more equal division of the labors of the two branches in the earlier period of the Session, and that he will also inquire of the Government if it be not deemed advisable to originate in this House as many measures as the law and usage of Parliament will permit in order that this House may more adequately fill its place in the Constitution.

HON. SIR ALEX. CAMPBELL said: I would ask my hon. friend to let this motion stand for a few days. I am endeavoring to get some statistics with reference to the work that has been done in this House since Confederation, which statement I think will be found useful in the debate that is likely to arise on my hon. friend's motion. I will therefore ask him to let his inquiry stand until Thursday next.

The motion was accordingly allowed to stand.

REAL PROPERTY NORTH-WEST TERRITORIES BILL.

DEBATE ON SECOND READING CONTINUED.

HON. SIR DAVID MACPHERSON resumed the debate on the motion for the second reading of Bill (A) "An Act respecting real property in the North-West Territories." He said: the Bill before the House is one which I feel could be more ably discussed by members of the legal profession than by any layman, but inasmuch as it is intended to affect exclusively the territory which is at present under my administration, I feel called upon to say a few words on the subject. We all know that the origin of the mode of transfer of real estate in England is that it is descended from feudal times, and was intended for the creation of large estates in the hands of rich and powerful families, the intention really being to keep these families together and prevent their becoming extinct or impoverished. Great estates were placed in their hands; they were surrounded by every safeguard that tended to secure them to the family, and so it remains to a very great extent to the present time in England. I fancy it would be almost impossible to obtain an indefeasible title to any of the estates of the great families in that country. The tendency however, even in England, is to simplify and cheapen the transfer of land, to make land like other property, easy of exchange from hand to hand, and to enable men of moderate means as well as the very wealthy not only to obtain the land but to be able to dispose of it without great expense if they desired so to do. Now it is attended with very great expense—enormous expense. Every sale that takes place involves the necessity for a thorough search, and no lawyer of eminence is willing to certify to a title being perfect without examining it himself. The consequence is that in the case of every sale search has to be made really from the beginning, and a transfer is attended with enormous expense. I remember, soon after the Irish Encumbered Estates Bill became law, I happened to be travelling in Ireland and met a gentleman who had just returned from Dublin, where through the Encumbered Estates Court he purchased a property for which he received a Parliamentary title. The title was on one sheet of paper, and declared that he held the property under a certain Act of Parliament; it was of course indefeasible. He told me that until that Act was passed it would have been almost impossible for him to obtain an indefeasible title, that the costs would have been so enormous he could not have thought of purchasing the property. I was much struck on that occasion with the desirability of the transfer of land being made simple and economical. Our system in Ontario and in some of the other provinces—in all the provinces except Quebec—is engrafted on the English system, and although very much simplified still some of its inconvenient features and expensive ones remain to this day. When we had a law of primogeniture in Ontario as we had down to the time when the late Hon.

Robert Baldwin was in office (for it was he who repealed that Act, and he did it reluctantly; he himself was opposed to repealing it, but he was pressed by his political supporters and followers and he did repeal it) the simplifying forms of land transfer would have come in very properly then, and no doubt it has been simplified since then very materially in Ontario; but still, as I have already said, some inconvenient and expensive features remain upon the statute book. That of search is the one that is most inconvenient and the most costly. If we were instituting a system of transfer in Ontario, for instance, now for the first time no hon. gentleman would say that we would adopt the one which is now in operation. We would certainly devise one very much more simple—one I fancy as nearly like that which my hon. friend the Minister of Justice has introduced, and which now stands for the second reading, as can be conceived; but I am quite ready to admit that a good deal of inconvenience would attend the changing of the system where it is like that of Ontario, or the one in Ontario itself—the change would be attended with inconvenience now that it has been in operation for so long a time. The North-West Territories are practically, in that respect, a *tabula rasa.* Comparatively few patents have been issued, and the people are just in a position to get the full advantage of the most simple and economical system that can be devised, and one under which the titles to the land are the clearest and are perfectly indefeasible, as they would be under the Bill now before this House. In introducing it into the North-West Territories we would not be altogether trying an experiment. The system has been in operation in a number of colonies, as was very fully explained by the hon. Minister of Justice, and it has, in those colonies, been attended with very great success, which means that it has given very great satisfaction to the people of those colonies, and I imagine that nothing could induce them to part with it. In the North-West there are no great estates. On the contrary the estates, if I may so call them, —more strictly speaking, farms—are small. The Government is not allowed by law to sell more than one section of six hundred and forty acres of agricultural land to any one person, and every alternate section is open free to homesteaders, with the privilege of pre-emption. There cannot be a country more favurably situated for receiving this system than that is, and that country is one that requires such a system as this, to a greater extent than is required in the older provinces. Most of the people are men of very limited means. They are chiefly homesteaders, men who are really unable to purchase land, and therefore naturally availed themselves of the lands which were offered to them free by the government. By the time they have earned their patent at the end of three years they have acquired a good deal of property. Their land as a rule is very productive, and they have probably reaped one very large crop if the seasons are favorable, one large crop and one medium crop—according to the area they place under cultivation. That puts them in possession of a moderate amount of money, but not as much as they require, and not as much as most of them desire to enable them to improve their land, to improve their buildings, and to improve their pre-emption lots; and, furthermore, if they have children to enable them to set them up on farms also. It is therefore very desirable that they should be able to borrow money on the most favorable terms. That they cannot do unless they can offer land to which they hold an indefeasible title. If they go with the title having a blot on it, it takes very much from the value of the land and makes it difficult to borrow, or prevents borrowing altogether, and in other cases under the existing system they must employ a lawyer to make the necessary search into the title of the land to enable them to borrow upon it. They cannot do that for less than five or ten dollars. I can assure hon. gentlemen that every five dollars to the homesteaders in the North-West is an important item, and it is our duty as far as we can to render their business and their living as economical to them as it is possible for us to do. The country is sparsely settled and will be so for many years. It will not pay professional men to settle in the country except in towns and villages, and therefore even to go to a lawyer may be very costly to a settler, and under this system, getting his patent

direct from the Crown, and probably with only one or two transfers, perhaps with no transfer, he would have little difficulty in transferring his land as security to whoever he might desire to borrow money from, if that should be his desire. He will have no difficulty in having that done, practically at no cost. But it is not only in the case of borrowing money. There is a very numerous class of what may be termed pioneers in the North-West—men who delight in breaking up the land, making improvements upon it and then obtaining their patents and selling out at an advance to some one who desires more of the comforts of life, and therefore prefers giving a fair price for land, a considerable area of which is under cultivation, to undertaking the breaking in of the land himself. In these cases it is very desirable that the pioneer should be enabled to dispose of his land readily and without expense. It is the desire of the people in the North-West Territory that they should have the advantage of this system. They are quite alive to its value, and it was introduced in the North-West Council last summer at the last session of that Council, and I dare say that if they had had a member of the Council who had been as well fitted to prepare that Bill as my hon. friend the Minister of Justice is, they would have passed it into law; but they did not feel that that was the case, and they would be grateful to the Parliament of the Dominion if they would give them such a measure as my hon. friend has laid before us The hon. gentleman from Ottawa spoke yesterday of the great facility it afforded for the transfer of land without the intervention of the wives of the owners. My hon. friend has had a very large experience in the practice of law, and I doubt very much if he has known of many instances where the wife succeeded in preventing her husband from mortgaging his land or selling it if so disposed.

There may be cases in which she is subjected to unkind treatment and coercion, but I fancy she rarely in the end prevents his disposing of it. I do not myself attach much importance to that for the reason I have given, that I do not think wives succeed in preventing their husbands from disposing of the land when doing so is even unwise. As a rule they have confidence in their husbands, and even if they have not, and the husband is a dissipated man, he generally induces his wife to bar her dower. I remember, a good many years ago when I lived in Montreal, my wife was selling a piece of property, and according to the law of Lower Canada then, and I suppose it is the same now, the wife on such occasions has to be examined by a judge apart from her husband as to whether there has been any coercion on his part to compel her to sell. I accompanied my wife to the residence of the late Chief Justice Valliere de St. Real, one of the most brilliant jurists that ever sat on the Bench of Lower Canada, or any other Bench. I dare say there are French Canadian gentlemen in this House who remember the Hon. Valliere de St. Real. After we were shown into his room he asked me to retire, and when I returned he said "Well, sir, this lady says you have not, by ill usage or coercion compelled her to execute this deed. I did not suppose you had, but this is one of the remaining fictions of our law." My hon. friend has also said that if this Act was passed, that wherever it was enforced there could be no objection to allowing banks to lend money on lands. I do not agree with my hon. friend in that. I do not see that the mode of transfer has anything to do with, or affects in any way the bankable character—if I may so describe it—of land.

HON. MR. SCOTT—It becomes a personal chattel then and goes to the executor and administrator, that is the distinction.

HON. SIR DAVID MACPHERSON—The reason for preventing banks from lending on real estate is not because of the uncertainty of the title, but because of the inconvertibility of the security. No matter how it may be transferred from hand to hand it will never be as readily convertible as what we now know as personal securities. It is because of the inconvertibility of land that banks are prohibited from lending money upon it. Banks are authorized to take deposits from corporations and individuals, and they are also allowed to issue notes which pass from hand to hand, and are redeemable on demand. Now it is necessary

that they should be required to keep their assets in a readily convertible form, otherwise serious inconvenience would arise, and land will not be any more readily convertible into cash if transferred under this Bill than it would be if transferred under the present system. I understood my hon. friend also to say that it was a very great departure from the present usage to declare that land shall be a chattel real. Is it not possible to do that, and is it not done under the laws of Ontario? Are not executors and trustees empowered to convert land into chattels real, or at all events is not a testator competent to declare that his real estate which passes to his executors and trustees shall be dealt with by them as chattels real?

HON. MR. SCOTT—If he chooses to do it he may do it; but in this case the law does it for him whether he likes it or not.

HON. SIR DAVID MACPHERSON—Still it is possible to do it under the existing law.

HON. MR. SCOTT—Clearly so.

HON. SIR DAVID MACPHERSON—That is all I contend.

HON. MR. ODELL—I would like to ask the Minister of the Interior what the effect of this law is to be upon homesteads? If I am right the object of granting homesteads is to make provision for a family, and I think the hon. gentleman alluded partly to that very point in the remarks which he has made, and I should like to know from him what the effect of this is to be upon the homestead proprietors as they at present stand? There is another point which he has just alluded to, and that is the giving to executors the absolute title of the land, and in case of anything happening to that executor—if he gets into difficulty and becomes bankrupt—this title would go to his assignees or trustees as the case may be, and it appears to me that there is in that way a difficulty in making land a chattel real. The question I would like answered particularly is what effect this measure will have upon the homestead proprietors?

HON. SIR DAVID MACPHERSON—This Bill if it becomes law would have no effect whatever upon the homesteads or upon the homesteader, except to facilitate the transfer of lands by him when it became his. A homesteader does not own his land and cannot dispose of it, or agree to dispose of it under the law, until he has resided upon it three years and obtained a patent for it. When he obtains a patent for it his land is just as the land of the hon. gentleman's or mine is; it is his to do what he likes with it.

HON. MR. PLUMB—As this matter has been dealt with by the Minister of the Interior from the standpoint of a layman, and as the framer of the Act was himself a layman, I suppose I may venture to look at it from that point of view. This Bill seems to make a sweeping change in the method of conveying land, and in the methods under which land is devised. From what I learn of the Bill some of the great and sweeping changes are, first that land is converted by it into personal estate; that in deeds no words of limitation are necessary; that no devise shall be valid until the land is conveyed by the executor—by the personal representative of the devisor to the devisee. It passes in the first instance to the executor of the will. The right of dower is abolished; there is no estate by courtesy. In a conveyance to husband and wife, the grantees are to hold separately, and in case of the demise of either one or the other the estate does not necessarily go to the other person who has the title, and in it there is a condition by which a husband or wife may convey without a trustee. That appears to be a very good provision. A married woman shall have the rights of a *femme sole.* Now, the chief reason which seems to be urged for departing so largely from the usages which have governed all the traditions of those who have inherited English law, is the expensiveness of making transfers and searches. It seems to me that it would do away very largely with the cost of searches, and it would do away also with much of the argument for making an entirely new departure with respect to real property if searches could be registered, so that when a search is once made it remains up to the date of that search as a valid examination of title,

and will not be necessary in every case to make a search *de novo*. It would save an enormous amount of expense, and it would obviate one of the principal difficulties which have been urged against the existing system by hon. gentlemen who have argued in favor of the Bill.

HON. MR. HOWLAN—One lawyer would not take another lawyer's search.

HON. MR. PLUMB—He could be made o take it by law. I do not agree with my hon. friend as to the fact that there is not a very considerable objection to the provision, that a wife need not join in a conveyance with her husband; I believe that in many cases the existing law saves families from utter destruction and destitution. I believe that in cases where men are dissipated, extravagant, or otherwise squander their properties, the resolute conduct of the wife, who is not necessarily controlled by her husband, may save the family from ruin. Although there may be no separation, they may live on terms which may enable her to assert herself for her own rights and the rights of her children; and I believe it is a very serious matter to decide that the husband shall have the sole control of the homestead on which they live. It strikes me as one of the things most objectionable things in the system. It is true, as my hon. friend has stated, that the North-West is a new country; that we are going in there for the first time to establish a new system; but those who have gone there are for the greater part men who have been accustomed to the rules which govern the transfer of land elsewhere in this country. They will have to learn this new system. Every man has to learn it, and I believe that nine-tenths of the people who make conveyances there, will be unable to proceed under an Act of this kind, without advice. It is not by any means a thing that a layman can grasp immediately, and which those who are likely to be immediately affected by t will not be willing to take the hazards of giving or taking a consequence without consulting legal authority. It would be a long time before the settlers in the North-West could become accustomed to an Act which is so entirely contrary to all their ideas, to all they have been taught, and to all that they have been accustomed to; and it seems to me, while it may be desirable to put it upon trial in some respects, that it has not all the advantages which have been claimed for it. I think I may venture to say that my hon. friend who introduced the Bill told us that he was a slow convert. He told us that he did not by any means fall in love with it at first sight; but perhaps after further investigation and examination of it in detail, it may be explained to us in such a way as to obviate some of those difficulties that seem to be at the outset apparent, and which certainly weigh on my mind, and without which I should not have ventured to make the remarks which I do, except that I knew the Act itself was the work of a layman, and that it really affects the interests of laymen very much more than it affects the interests of the legal profession. As to the examination to which my hon. friend the Minister of the Interior has referred, of the wife apart from the husband, that is practiced, I believe, under all systems of convyance. Certainly it is the case in the United States.

HON. MR. SCOTT—It is abolished now in Ontario. The wife executes with the husband if she likes, or without.

HON. MR. PLUMB—In most of the States she is examined apart from the husband to see whether she executes under coercion, and that system still exists in the Maritime Provinces, I am informed. I do not know what effect it will have on homesteads. In many of the States of the Union there has been a constant tendency to simplify the forms of conveyance. In one of the States with which I am familiar, no seal is necessary. The mere words of transfer are all that is necessary. The transfer is made as simple as possible, and the intention is made known without resorting to the words convey, transfer, demise, &c. The old forms are done away with, and a mortgage is executed in the same way, and the discharge of a mortgage is simple; and none of those are under seal. Some simplification of the mode of conveyance like that would be an advantage. As hon. gentlemen can see, there can be no great difficulty about searches of titles in the North-West, because in all those cases they go back immedi-

ately to the patent from the Crown, and it seems to me that would be all that is necessary to meet the case. This is a cumbersome Act, one of great detail; I do not know how many sections there are in it, but there is an enormous amount of special provision at the end by way of appendices for forms, and it really seems that it is as difficult to adopt this and carry it into practice as it would be to go on with the old system and simplify the forms of transfer as much as can be without striking at the principle which has governed until now the laws relating to the transfer of lands. I make these remarks on the general tenor with the utmost diffidence, and I presume this Act, will receive a very thorough examination in committee, and that gentlemen of the legal profession, who of course understand its provisions far better than any laymen, will examine it section by section; but as the principle of the Bill is now under discussion, I felt it due to myself to express the impression which had been conveyed to me by the remarks made thus far in regard to it. I confess that I am not yet a convert to so sweeping a change in all that we have been accustomed to consider as the law governing real estate and the transfer of real estate. I certainly do not feel prepared to say that I consider it will be a move in the right direction, in this country particularly, to place it on a par with moveable property and chattels, and to facilitate the transfer of it to such an extent that, according to the statement of my hon. friend, it may be conveyed from one to another as easily as bank stock.

Hon. Mr. TRUDEL—A member of this House, belonging to the legal profession, from the Province of Quebec, I was informed, intended to give not only his views, but what I conceive to be the views of the legal profession of our province on this important matter. As I do not see him in his place, and as I believe that our views ought to be put before the House, though I have hardly had time to look at the Bill and read it, I will offer a few observations upon the measure. And first I may say that I consider this Bill is a most important one, and the draft of it which is put before the House is the result of very considerable work as far as I can see. I do not hesitate to say that the hon. Minister of Justice and those who took part in the preparation of this law are entitled to a great deal of credit; and the clear and able exposition which was made here by the hon. Minister of Justice was most interesting,—it certainly interested me very much,—and I think he deserves great credit for it. Still, while I am ready to admit that the country might benefit to a large extent by adopting certain provisions of this measure, I desire to say that I do not conceive that this House should admit the principles on which it is based. If I understand it properly, there is in this Bill the matter of two different measures, and in my humble judgment they should be brought separately before the House. There is a very good registration law, but at the same time there are radical changes or principles of legislation which are not a necessary part of a registration law, and whose effect in my opinion, would not be beneficial to the country. My hon. friend who has just spoken has pointed out some features of the Bill which deal with very important rights. I go a little further and say that in my opinion it destroys altogether what constitute the main foundations of a community, and I would be surprised if they should meet with the approval of this House, which ought to represent the conservative element in the country; and when I say conservative element I do not mean it in a political or a party point of view. The main duty of this House is to check the excesses of enthusiasts and the innovations coming up from the popular branch, and I think it is to be regretted that such principles as we find in this Bill should be laid down and adopted and imposed upon the country by the Upper House. I said a moment ago I find in this Bill the materials of two different laws. As far as I can see all that constitutes the registration of deeds forms a system which may very well be adopted; but the moment the principle of mortgages or encumbrances on property is admitted, I do not see why we should do away with encumbrances of another nature which have been considered for centuries necessary as safeguards of families and for the welfare of the community at large. The adoption of this Bill to my mind destroys the main foundations of the

community. The hon. Minister of Justice said it was with some hesitation he had been brought to adopt some principles of this measure—I am a little astonished that he has been converted, and I think that after a short examination he will come to the conclusion that some of the main provisions, at all events, should be struck out of the Bill. I do not think that we should so easily dispose of laws and the system of laws which have governed the civilized world for eight or nine centuries, and which in my judgment are at the root of the prosperity and strength of the most celebrated nations of the world. Some two or three years ago I had the advantage of meeting a very remarkable economist who had passed part of his life in England, the United States, Russia, and in fact almost all the great countries of the world —I refer to Mr. LePlay, a Frenchman, who died the year before last—he has left several books which are considered the best treatises on political economy in existence. Mr. LePlay inaugurated a new system of studying such principles. He confined himself to the system of observation. For instance he was 13 years in England, and he studied carefully the foundations of the strength and prosperity and greatness of the Empire. He found that they were due mainly to the strength of the families in England, and the high respect they had for the principle of property. If I understand this measure, it destroys altogether some of the main elements which constitute the strength of families, because no one can read the lessons of history without coming to the conclusion that the greatness of some of the principal nations of the world, and especially that of England, is due to the services rendered by the powerful families, who during centuries have devoted themselves to the welfare of the country. They have been enabled to do so by possessing means to educate and fit themselves for public life, and they have furnished the celebrated statesmen who have made England what she has been for many centuries. I understand thoroughly that nothing is perfect in this world, and there are some provisions calculated to strengthen and to create powerful families in a country which are not perfect, and which in the course of centuries no doubt have led to excesses. For instance the accumulation of great wealth amongst a small number of families does not tend to the good of a country. But at the same time I believe that families should be encouraged to preserve their patrimonies, and that the laws which have enabled the great families of England to do so have given to that country the services of the most eminent men in the Army, the State and the Church. They could only come from families strong enough to provide their children with the necessary means and education. Now this Bill to my mind does away to a certain extent with the rights of the wife, leaving her without any recourse in cases of insolvency or family misfortune, allowing the husband to dispose of the patrimony of the family without regard to the rights of the children, and the father himself not being protected when he lacks the prudence and capacity to manage his property. Those elements which constitute the family, the wife and the children, being deprived of all protection from the laws of the country, it seems to me that the family cannot become as powerful as is necessary to produce the results to which I have alluded. There are other features of this Bill which are very striking. For instance, if we consult all the authorities of the last two thousand years, we come to the conclusion that it has always been considered an elementary principle that a contract of sale between two parties is perfected by the will of the parties; but this measure makes not only the sale, but the validity of a deed depend on the registration.

Now, the registration is, not only according to the present law, but according to common sense, merely a matter of incidental accessory, and subsequent to the sale. A man sells his property to another; that is a perfect contract; the principle of the contract lies in the consent of the parties; but this law says that the sale which gives the right to the property does not consist in the free consent of the seller, but in the registration of the certificate. It is an innovation which I think ought not to be adopted. This measure changes altogether the basis of the law relating to property which has been in existence for 2,000 years, and all the results that have flowed from that law. A man decides to sell his property, and the purchaser acquires his rights and is entitled to all the benefits resulting from the act; but under

this Bill he would not become the proprietor until the registration of the deed. Now, supposing a man purchases a property for $1,000, and before the registration of the deed it increases in value to $100,000, he runs the risk of losing the benefit of his purchase. It is true the Bill provides that an action for damages may be entered, but this recourse will in many cases prove ineffectual. This is one of the consequences of adopting a new principle which, as far as I can see, is a radical change, and a complete departure from the ideas which we have entertained hitherto of what constitutes the essence of a contract. And in changing so radically the very principle of a contract, we change altogether the principles which have been entertained with regard to property? For instance, all the comments on the existing laws become of no avail. The effect of such a change may be far-reaching. For instance, it changes altogether the basis of succession. If the validity of a contract depends only on the registration, it is no longer in the power of a man to secure the accomplishment of his will, because it all becomes subject to registration. Under the system in force in the Province of Quebec, which is similar in some respects to the provisions of this Bill, the registration towards a third party has the effect which I allude to; that is, if a perfect deed is not registered, and if, after thirty days, another party buys the property, and has his chattel registered, the new purchaser will have the right to the property. It is of course an exception to the principles I have alluded to, but the title is valid only so far as third parties are concerned. If I understand this Bill, however, even between the contracting parties, the agreement or contract will not exist before the registration. I have alluded already to its effects upon the family. It changes, so far as I can see, the relations now existing under the law between a man and his wife and children. It will have the effect of creating different, and sometimes hostile interests between husband and wife, between father and son, or at least of destroying any community of interest between these branches of family. It will have the effect of weakening the natural bond which binds those three elements together which constitute the family. As the state is composed of families, if you weaken the family you weaken the state. You can never have a strong community if it is not composed of families having all those elements of strength which I have mentioned. Now, one of those elements is certainly paternal authority. This measure will have the effect to a certain extent of destroying the authority of the husband. In one sense it will leave him the power of arbitrarily disposing of what is in his hands, whether he has received it from his ancestors or acquired it by his own toil; but in the meantime he will lose in his relations with his wife as far as his interests are concerned a great part of his authority? The wife becomes entirely free from what we call in our language marital authority; and I think the working of such a law would prove, not in the near future, but after many years, to have a detrimental effect on the influence of the hushand. I respectfully ask the Minister of Justice if it would not be possible to make of this a very good registration law, without such a sweeping change of the principles which have governed the older societies of the civilized world for so many centuries, and which have proved so effectual? I think it is possible. I do not see the necessity of mobilizing the whole of the immovable for the purpose of facilitating transactions in land. Now, we have in the Province of Quebec, for instance, gone very far in this direction. We have done away with many of what are called here incumbrances, but which have proved for many centuries, to be the best security for preserving property in a family. We have gone very far I say, but, thank God, we have preserved a good deal of what is necessary to secure those great interests, and I think we have gone far enough in affording to commerce all desirable advantages for the disposal of properties. If the system was one which would not recognize mortgages, we would have to accept the system of registration as it is, or reject it altogether; but the system does admit of encumbering a property in favor of a creditor. Then, why should it not be possible for the wife to have a lien on the property? Why should she not have her right to dower or the protection of whatever money she might possess of her own? I think she is entitled at least to that much protection—to as much

protection as a money-lender. The feeling that seems to prevail in the minds of most hon. gentlemen who have spoken, seems to be that we cannot go too far in facilitating the transactions in real estate and the borrowing of money upon farms. I do not share that opinion; I think in nineteen cases out of twenty it is desirable that a farmer should not borrow money. I happened a few years ago while travelling in Europe to hear of a striking illustration of the effects of farmers borrowing money. The fact to which I am about to refer is not altogether unknown to Canadian and American readers. I met a distinguished gentleman who occupies a very high position in Austria. He is at the head of the society of political economy in Rome and in Vienna, and has devoted all his life to the study of such subjects. He told me that twenty-five years ago there was a movement in Austria in the direction of borrowing money to improve farms, and there was a party, which was a very small minority, opposed to it. Those who were in favor of affording facilities to farmers to borrow money showed very clearly and conclusively that by borrowing so many florins or so many thousand dollars, and applying it to the improvements of the farms the yield of crops would be double, and would enable the owners of the farms to repay the debt in twenty-five years; and their farms would continue to produce twice as much as before the improvements were made. These calculations were made at a time when the countries surrounding the Black Sea were the granary of Europe, and furnished a large part of the cattle sold in the European markets. The farmers borrowed the money and doubled the production of their farms; but unfortunately for them they had not calculated on the rapid development of agriculture on this continent. The Western States of America are producing millions of bushels of wheat for exportation to Europe, and they have also succeeded in exporting cattle and frozen meats. The result has been that the prices of wheat and meats have so diminished that now those farmers in Austria, although their farms produce twice as much as before, do not receive any more for their products, and their farms are still mortgaged for the money they borrowed.

Of course farmers ought to improve their property, but it ought not to be done on borrowed capital, and those who have large experience in farming operations will admit that it is very seldom agriculture will pay even a moderate interest on large capital borrowed for improvements. There is nothing further from my mind than placing any obstruction in the way of the legislation now before us. This is a new scheme, and those who have studied it out and brought it to its present shape deserve very much credit for the labor they have bestowed on it. They ought to be assisted and encouraged as much as possible, though I do not think we ought hastily to adopt such sweeping legislation as is proposed. The hon. gentleman from Ottawa remarked yesterday that he saw no objection to trying this new system in the North-West as that portion of the Dominion is as yet almost unsettled. I do not agree with him on that point, and for this reason: the people who will go in and settle in the North-West will retain the institutions we are now creating for them. They will accept the system of law which will be enacted by this Parliament for them, and I think, if it is not clear to our minds that this is a sound principle of legislation, that we ought not to make the experiment at their expense, because once it has become law in that part of the country it will be more difficult to abandon a wrong system than to introduce an improved one. I have not had time to study the Bill in all its details, but from what I have seen of it I think it is possible to make of this draft a very good registration law without adopting the radical changes which are laid down in the beginning of the Bill, and I hope that it will be the opinion of hon. members, and that the House will act in that direction. Of course we ought not to judge of such a system of land transfer from a narrow point of view. I do not pretend to judge this measure according to the law which prevails in the Province of Quebec, but if we take all the principles of legislation relating to land tenure in England and other countries we will find that there are some which were in force long anterior to the present state of civilization, and which we ought not to part with too readily. It was one of the great boasts of the French Revolution

that they abolished many of the old provisions of law, but what did we see after the re-establishment of the Empire? Those men who were active in bringing about the Revolution were the very first to re-enact the laws which the Revolution had destroyed. We have retained only one degree of encumbrance, though we admit that the principle of allowing a father to so dispose of his property as to provide for an improvident son, is a good one. Hon. gentlemen ought to bear in mind that by refusing to recognize this principle you deprive the parties who ought to have the benefit of this system of that privilege, and why not leave to the people of the North-West the same advantage that we in the older provinces enjoy? If a man feels that it is to his advantage to create a dower or devise, why not allow him to do it? If he thinks it is to his interest to keep his property free of all encumbrance he is perfectly at liberty to do so, and why should we not leave everybody in a position to benefit by both systems? If we adopt this measure a man will not be able to place any encumbrance in a certain direction. For instance it might be desirable to make a matrimonial alliance for his son which could only be done by securing a dower to his future daughter-in-law, which under this law he could not do. Why should he not be at liberty to do so? It is not necessary to put the system of registration into operation. This is a matter that deserves much attention and study. There are some of our ordinances which are the basis of the French system of law, and which have been the four or five years work and study of the most celebrated legislators. Though they do not cover more than half a dozen pages, yet they are monuments of legislative ability which will always command the admiration of the legal minds of the world. When we propose to dispose of a subject in 20 lines that has occupied the ablest minds of different legislatures for years and years, we should only do so after grave consideration, for if we hastily adopt this system we may have reason to regret in the future that we have abolished principles of law which are necessary for the welfare of the people of Canada.

Hon. Mr. TRUDEL.

Hon. Mr. POWER—The object of the Torrens system, as I understand it, and as explained by the Minister of Justice, is two-fold. The first and principal object is to give greater certainty to titles to land, and facilitate the proof of those titles. The second one, important but subsidiary to the first in this country, is to facilitate the transfer of land. I think those two objects of the Torrens system constitute the principle of this Bill, and as I concur in both of those, and think them desirable, I propose to vote for the second reading of the measure, by which we adopt its principle. I agree with the hon. gentleman from Niagara that in the present condition of the North-West this Bill is not necessary; because in a country as lately settled as the North-West is there can be on complication of title, and no difficulty of search, and consequently no difficulty in transferring land. But we are laying the foundation of a country out there that we hope bye and bye will develop into populous provinces; and in course of time the land will naturally be transferred and dealt with there as in older countries, and it is a most desirable thing that we should begin with a good and simple system. Credit is due to the Government for having taken hold of this matter at a comparatively early date, though, as the Minister of Justice has said, something of a similar character was proposed by Mr. Mills some years ago. I do not propose to dwell on the inconvenience of the present system with respect to the titles to lands. The hon. Minister of Justice has spoken at some length upon that point; but these difficulties are particularly felt in cities, and I see that in the Ontario Legislature Mr. Mowat has introduced a Bill, embodying the same principle as this measure, which is to be applied to the City of Toronto and its immediate neighborhood.

Hon. Sir ALEX. CAMPBELL—Has he introduced it?

Hon. Mr. POWER—I see by the newspapers that it has been introduced. It has become necessary there, because in a city like Toronto, or even in smaller cities, after a certain number of years, it becomes almost impossible to be certain as to the title of real estate. I know that in a

smaller sphere, in the City of Halifax, members of the legal profession feel the greatest difficulty and hesitation in certifying to titles, because one is never quite certain that they are perfect; and I think any legislation which proposes to take away the element of doubt from the title to land is most desirable legislation. It is said that Torrens deserved a great deal of credit for devising this change in the mode of transferring real property. I think that he did undoubtedly, but it was a very natural thing to have suggested itself to a gentleman who was situated as Sir Robert Torrens was. He had been a custom house officer, and I presume a registrar of shipping. He saw that ships, which are very valuable property indeed, were transferred in this simple and easy way; and as they had in Australia the cumbrous and expensive English system of land transfer, he thought it would be a vast improvement if the system which applied to ships should be applied to land. While I endorse the principle of the Bill, there are some of its details which, as the Minister of Justice has said, are not an essential part of the Torrens system, and which I think deserve the criticisms which have been bestowed upon them by other hon. gentlemen. Before dealing with the objections to the Bill, I wish to say a few words on the question of dower. I do not entertain the same objection to the provisions of this Bill with respect to dower that some other hon. gentlemen do. In England the law as to dower was very materially altered in the reign of William the Fourth. In England a woman has dower only in the land that her husband dies seized of. In this country she has dower in the land that he is seized of during the marriage. A few years ago the objection taken to the provisions of this Bill in regard to dower would have been well founded, but not at the present day. In Ontario, New Brunswick and Nova Scotia laws have been passed within the last few years which make the property which a woman owns before marriage, or which comes to her during her marriage, her own separate property, and which put that property out of the control of her husband. It seems to me that, if we take from the husband the control over his wife's property, it is only fair that the wife's control over the husband's property should be taken away also, and under the present system the right of dower would be more likely to be productive of inconvenience and trouble than of any substantial good. I agree with the hon. member from Niagara that it was hardly necessary perhaps to have introduced a Bill of so radical a character as this—a Bill which alters altogether the character of land, and makes it a mere chattel. Land is materially different from shipping. A man's house, the place where his family dwells, his home, is on the land which, as a rule in this country, is his own; and there is a good deal in the suggestion of the hon. gentleman from De Salaberry that the making of that land a mere chattel is likely to diminish the feeling of attachment for home, and perhaps to a certain extent to lessen the force of the family tie. I doubt the wisdom of doing away with the solemnities attending the execution of a deed. Those solemnities are intended to prevent hasty action. If a law of this kind goes into operation a man who is under the influence of liquor, for instance, may, without knowing what he is doing, dispossess himself of his property.

HON. SIR DAVID MACPHERSON—There is total prohibition in the North-West.

HON. MR. POWER—I understand that occasionally they get a little whiskey in the North-West notwithstanding the prohibition; and that prohibition is not any more effective in the North-West than elsewhere. It is a thing not unlikely to happen; and there are everywhere speculative and unprincipled men who are at all times willing to take advantage of the weakness of others; and this Bill, if adopted in all its details, would give opportunities for over-reaching men who were either rendered partly incapable from drinking, or who were not very shrewd, or very well able to take care of themselves when sober. For that reason it is perhaps better not to remove the solemnities which attend the execution of the deed. Then this Bill does not in any way recognize trusts. I am perfectly aware that in this respect it follows the example of the Australian colonies, but I should venture to submit one or two considerations to the Minister

of Justice in connection with trusts. Breaches of trust are becoming more common, with each succeeding year. It may be that we hear more about them now than we used to, but they are certainly very common. It is not an unusual thing to find a trustee leaving his home with the funds of his fiduciaries, and there is almost no protection whatever against the fraud of the trustee in the case of personal property. In the case of real estate there is at present a certain amount of protection. Any one who buys land from trustees, or from a single trustee has to search the title, and will find from that search that the land is held in trust, and in that way he is put upon his guard, to a certain extent, and the fiduciaries are protected. The man who buys land from a trustee under our present system has notice of the existence of the trust. It is a matter worthy of consideration whether trusts should not be recognized. Of course the Minister of Justice has stated that, where there are two or more trustees, in the registrar's book, after the names of the trustees, the words "No survivorship" might be inserted. That would not apply to the case of a single trustee, and it would not give very much information even if there were two or three trustees. It would indicate that there was no survivorship, and that would be all. The case of executors has been dealt with already by two or three hon. gentlemen, and I shall not refer to it. I should like to know whether the attention of the Minister of Justice has been specially called to the British Columbia registration law?

Hon. Sir ALEX. CAMPBELL—Yes, I spoke of it.

Hon. Mr. POWER—I know that the hon. gentleman spoke of it, but I should like to know whether he has devoted any special attention to that Act.

Hon. Sir ALEX. CAMPBELL—Yes, I think I understand it.

Hon. Mr. POWER—It occurred to me in reading over the British Columbia law that it seemed to embody all the advantages of the Torrens system without some of its disadvantages, and I understand that that law has been found to work very satisfactorily indeed in British Columbia.

Hon. Sir ALEX. CAMPBELL—I stated in my remarks that I had examined that Act, and I do not think it differs materially from the Acts in force in Ontario and Nova Scotia.

Hon. Mr. POWER—It differs very materially.

Hon. Sir ALEX. CAMPBELL—The only difference that I notice in it at all is that after seven years the title can be made indefeasible. With that exception I do not think there is a special difference between the laws of British Columbia and those of Ontario and Nova Scotia.

Hon. Mr. POWER—Now that I have heard what the Minister says, I fear that I may have misapprehended the effect of the British Columbia law; but it seemed to me that it embodied the provisions for the security of title, along with the better part of the present system of registration. The consolidated ordinance of British Columbia was passed in 1870. It is intituled "An Ordinance to assimilate the law relating to the transfer of real estate, and to provide for the registration of titles to land throughout the colony of British Columbia." I find that the 14th section provides "That it shall be the duty of the Registrar, when requested, and upon payment of the proper fees, to record in books to be kept for that purpose, and to be called the 'record of conveyances,' the 'record of pre-emption claims,' the 'record of mortgages,' the 'record of wills,' and in other books with appropriate titles, all deeds and instruments in any manner affecting real estate or the title to any interest therein." Then under the general heading of "Registration of Titles" there is a provision which I think does most of what is proposed to be done by the Bill now before us. The 19th section is as follows:

"Every person claiming to be the legal owner in fee simple of real estate may apply to the Registrar for registration thereof, and the Registrar shall, upon being satisfied after the examination of the title deeds produced, that a *prima facie* title has been established by the applicant, register the title of such applicant in a book to be called the 'Register

of Absolute Fees,' and also shall transcribe in another book to be called the 'Absolute Fees' Parcels' Book," a description of the land to which the title relates."

As the Minister of Justice says, that does not constitute, under this ordinance an indefeasible title until after the lapse of some further time; but I take it that in a country like the North-West the delay of some years is not an essential part of the British Columbia system. Then I notice that in British Columbia the provision as to mortgages and encumbrances has some advantages over the provision contained in the Bill, and which is borrowed from the Australian law. Under this Bill the holder of an encumbrance enters a caveat. Under the British Columbia system he brings his mortgage or certificate of judgment to the registrar, who makes a memorandum thereof in connection with the title, and there is a reference in the title book to the book of encumbrances, where this encumbrance is to be found. While there is some force in what the hon. gentleman from DeSalaberry said about the title dating from registration and not from execution, I do not think there is much, because the title to a ship is in exactly the same position as the title to land, and no very serious inconvenience has been experienced from the fact that the title to a ship dates only from registration. I regret that I have not had time to devote the attention to this Bill that it deserves; but I should respectfully suggest to the Minister of Justice, a reconsideration of some portions of it which he says are not essential features of the measure, and possibly it may be found that the British Columbia Act covers more ground than the hon. Minister at present thinks. I notice that it is shorter, and is I think a clearer law than this will be. It is only about one-half the length of the Bill now before the House.

Hon. Mr. GIRARD—As a representative of Manitoba, living near those who are interested in this Bill and to a certain extent representing them, I think it is my duty to express my views on the measure before us. It will be generally admitted that in legislation, as in everything else, we must keep pace with the progress of the age in which we live. No doubt many familiar things will disappear under the operation of this measure. It will undo the work of centuries, but this is not the first time that Parliament has been obliged to pass laws producing great changes. We are continually endeavoring to give to those who send us here improved legislation, and I think that is the principal duty we are called upon to perform as representatives of the people. I remember when in the province of Quebec land was held under the feudal tenure, and I have had occasion myself as a notary public to prepare acts of *foi et hommage* according to the *coutume de Paris*, which was at the time the law of the land. The owner of any land *en fief* presented himself to his seignor, and being there in the position of vassal *tête nu, un genou en terre, sans epée ni eperons*, he declared that he was his vassal for such fief. Being acknowledged by his seignor as such, he received in return *la bouche et les mains*, meaning embrace and hands. Parliament passed a law doing away with that, although it had been in existence for centuries, but would any one dream of reviving it to-day? I think we have advanced too much for that. No one regrets more than I do the provision to do away with the old custom of dower and tenure by courtesy, which were pledges of love and mutual affection; and there is always a feeling of pain when we depart from customs which have grown up under the common law of the country. I understand the importance that we attach to holding the title of a property. It is regarded to some extent as the history of a family. We examine our titles to see what our fathers and forefathers have done for us. But at the same time what is more important to look at is to have a satisfactory title, and the registry office will be the place where we can get information on the subject without delay or difficulty. Under this Bill there will be no title recorded, but the certificate of a property after being admitted by the registrar will be recorded, and if you want to make a search with reference to a property you can find the certificate on record together with all the encumbrances or charges against the property up to the time you want to mortgage or acquire it. I think that that advantage will be appreciated in the North-West as it has been in the Australian

colonies. I have been reading a report of a discussion which took place in London in 1872, on a lecture delivered by Sir Robert Torrens himself before a scientific association there. After the lecture a conversation took place in which Lord Coleridge, the Chief Justice of England, took part. The system was approved of by everyone present, and Lord Coleridge who, previous to that, had had some hesitation as to the adoption of the Torrens system, said after having heard the argument of the men of science there that the system was perfectly clear, that it was one that could be easily put in operation, and that all the provisions were as clear as that two and two make four—I use his own expression. With regard to trusts I see no ground for apprehenson; I think the law furnishes sufficient protection for those who are interested in trusts. The property will be recorded in the name of the trustee it is true, but provision is made in case of necessity for the appointment by a judge of one or more persons to attend to the trusts. What is peculiar in the Bill, is the continual protection which is given in all its parts to the owner of the property. When he goes to the registrar it is for that official to decide at first whether he is entitled to have his certificate recorded. If there is any difficulty about it the registrar will not go any further, but will refer the whole matter to a judge. In the same way, if a man who applies for the registration of his title finds any difficulty which necessitates a written decision from the registrar, the whole matter will be referred to a judge, who will decide upon it, and there is an appeal from his decision to another tribunal. For my part I think there is too much protection afforded; I am afraid that it will involve a large expense, because the judges are too distant from one another in that country. One would have to go sometimes three or four hundred miles before meeting a judge, and that would entail of course not only expense but delay. Perhaps when the Bill is referred to committee some improvement may be suggested to this part of the measure. If a judgment is rendered against a property, or if the property is sold by the sheriff, the title will only be recorded after having been submitted to and supervised by the judge. What I approve of also is one of the last clauses of the Bill which gives the Government power to make provision for the easy introduction of the system in the North-West Territories. The Government may by Order-in-Council make necessary provisions for this purpose. I think the measure is well adapted to the circumstances of the North-West Territories, and I believe it will be popular there. It will save the people expense and give them facilities for making easy and rapid transfers of property. Before long I predict it will be extended not only to the North-West but to Manitoba also. On more than one occasion the idea has been expressed of having some such system in force in our province. To Manitoba belongs the honor of having taken the first action towards doing away with dower and tenure by courtesy. For many years there was but a single book to record all the titles in the Red River settlement. There were no writings whatever, but when anyone wished to transfer his property he went to the officer in charge of the Hudson Bay Company's book and had the transaction entered. That was the only way of acquiring a title to property in the Red River settlement up to the year 1870. When that simple system worked so satisfactorily for many years the people will have no hesitation in adopting another system which will save them from great expense and trouble in real estate transfers. I have given you my opinion of the Bill and I am satisfied that the people of the North-West will feel greatful for this measure.

Hon Mr. KAULBACH—I have listened with some interest to the remarks of my hon. friend from DeSalaberry (Mr. Trudel) and especially that portion of them relating to the system of land tenure in England. He has shown how it has tended to the stability and strength of the Mother Country, both socially and politically, and tended also to cultivate and sustain a spirit of chivalry and pride in our ancestry, and the feeling of attachment and tenacious holding to the lands of their ancestors and their homes. No doubt gentlemen of the legal profession, having all been brought up to study the history of the English feudal system, and the history of the changes in land tenure and

transfer from the time it was held under the fedual system, when a man generally held his land as a fief for life subject to certain military and other duties—having early studied and been impressed with that history, and how the present tenure and transfer of lands existing in our own country grew out of that system, we all feel that changes should not be hastily made in the law. Lawyers especially are slow to make such changes; we are particularly conservative in the law relating to and affecting real estate, the tenure and transfer thereof. I know that a similar felling exists in Nova Scotia, which was settled long before Ontario—for a century and a-half at least—I speak particularly of my own county, and of its noble German race. I know that men who inherit real estate there look with pride to their ancestors, and have a feeling of gratification that their fathers and forefathers have occupied the same land for many generations. It is therefore natural that I feel prejudiced in my views rather against the Bill; but having viewed it in all its phases, and having listened carefully to the Minister of Justice and the debate which has taken place, I have come to the conclusion that there is a great deal in this measure worthy of being adopted in a new country such as our North-West Territories. I do not agree with the hon. member from DeSalaberry that we can at any time easily change the law in our Territories if we let it go on under the system which is now in force in Ontario. It is easier to change from certainty of title, from indefeasible title, as this Bill proposes, to any other mode. In that new country, where very few patents have yet been issued from the Crown, I feel that we can afford to give this system a trial, especially when we find that it has been working satisfactorily in Australia, a country which was situated in every way very much as our North-West Territories are. Certainty of title is of very great importance. Any member of the legal profession in Nova Scotia knows that we are frequently very uncertain about titles. We go into a court of law where a title is in question and we are not certain that we can establish a title direct to the patentee of the Crown in unbroken links. There is also devise heirship and possession. There are many ways in which we may be tripped up, and often persons who have or who ought to have a title lose their rights. Certainly there seem to be many reasons why we should be in favor of this Bill. We have no law in Nova Scotia for quieting titles and we must rely on our ability to prove long possession or an unbroken title from the Crown. Another fact which has not been dwelt upon or thought of in this debate: in many deeds in Nova Scotia the description of the property is vague and one deed may describe the land by metes, the next by natural bounds, so that it is difficult to say what is conveyed by the deed. Although a professional man may go and look at the title, the wording of the description sometimes is such that it is impossible to decide what property is conveyed without bringing in an expert or a surveyor, or going upon the land to ascertain whether it is the same property or not. That difficulty will be obviated by the present Bill. Now, as regards doing away with dower I am rather in favor of that, and also doing away with tenure by courtesy. I believe that both are attended with great incovenience. The uncertainty of those rights is such that it destroys the value of property everywhere. They exist in Nova Scotia, and formerly a married woman would hardly sign a deed without getting a silk dress. In fact the title was almost considered impeachable by her unless she got it. Tenure by courtesy does exist at the present time. Then with regard to the protection of minors, the husband was supposed to have the right where there was issue by marriage, but it cumbers land and is of very little benefit in any case to the holder of the property by that right. The only trouble to my mind in this Bill is as regards the easy transfer of landed property. I believe in facilitating transfers to a reasonable extent but not in making them too easy. This Bill makes it as easy as transferring bank stock, and much more simple than transferring a ship. It will, or may, have the effect of people not valuing land as much as they do now, and of not having the same interest in it that they would take if they held it under the present system. As my hon. friend from Halifax says, a man who may not be quite in his right mind would be enabled, under this measure, to dispose of his land very summarily. If

you can give a title almost as easily as a note of hand, it will be very easy indeed to get rid of one's property. The title by registry, I notice by this Bill, is not indefeasible in all cases—for instance, in cases of fraud. Fraud vitiates everything, and if such can be proved, of course then the title is not perfect; but I believe that is the only case in which the registration of a title could be affected. There is a good deal to be said about trusts, and I should be glad if this Bill could be amended so that fiduciaries could be better protected. Such an amendment might destroy the indefeasibility of title, but if any provision could be made by which the fiduciaries could be better protected than they are under this Bill, it would be of great advantage; because, although a man may leave his property in trust, trustees are not always what they should be. It is true, precaution is taken for the protection of minors and others under trust, caveats may be entered, but the property might pass out of the hands of the trustees before any step could be taken to prevent it. In this respect I consider the Bill is somewhat defective. It does seem absurd and extraordinary to find that a man's right of disposition of his property may be taken from him by the registration of a certificate. The Bill gives a fiduciary the right to claim damages, but sometimes damages are not a sufficient compensation for the loss of his property. It has been shown that where the Act is in operation this seldom occurs; in Australia there have been but a few isolated cases. The Bill makes provision in such cases that a man shall be indemnified for his loss. I hope that in the appointment of these registrars careful selection will be made. I perceive that the registrar must be a lawyer of three years standing. No doubt the Government, considering the importance of the office, will see that it is vested in men in every way equal to the responsibility and the duties they have to perform. I do not know that I shall say anything more upon this matter. Feeling, as I do, the sanctity in which we hold the tenure of land, I consider that it certainly gives a large opening for a different sentiment—a feeling that land is of no more importance than a horse or any other chattel—and the tendency I fear will be that the people will be inclined to dispose of or encumber their property too readily. However, in that new country, our North-West, I feel that we may with safety test this system and observe its operation. In the lower provinces it would be almost impossible to introduce it, but in the North-West a different state of things exists. People go in there, I suppose, with new ideas. The same feeling for land and land tenure and inheritance of estates from their ancestors will not exist, and therefore while I approve of simple, expeditious and economical transfers, yet I think the facilities for transfer are too great. I shall not oppose the experiment. It may be safely tried in a country which has yet to be settled. While I am doubtful as to the effect of having people so readily dispose of their land without any checks or guards, or taking time probably to duly consider the matter, and while I think it may in many cases work injuriously to the owners of land, yet I am disposed to support the principle of the Bill, and shall look with no little degree of interest to its operation.

Hon. Mr. HOWLAN—I think we have had no measure before the House during the present session of such vast importance as this one. We have to thank the Government for it, and to thank the Minister of Justice especially for giving us the benefit of his convictions in the matter. As the representative of the legal class in the Government, it might be presumed that he would be opposed to this change. I have none of the fears or doubts in my mind that seem to trouble some hon. gentlemen with regard to registration. If I understand the system right, it is registration itself—the very foundation of the matter is registration. The grant from the Government does not exist until it is registered, and therefore you have registration from the very commencement. You cannot take any step in the matter without registration. I am not surprised that Sir Robert Torrens found great difficulty in introducing the system. The difficulty would arise, no doubt, in the first place, from the opposition of the legal profession. Nor am I surprised, on the other hand, that the system should emanate from a gentleman connected with the Custom House, because the Torrens system is simply the one pursued with refer-

ence to the registration of ships. Some time previous to the introduction of the present system, we had the same laws relating to the registration of shipping as apply to the registration of land. That has been done away with. At that time the captain carried the ship's register on board, and it showed the ownership ; now the register is kept in port. The fact that John Brown is named in the register as owner of the ship does not necessarily imply that John Brown is the owner ; but entry must be found at the port of registration. Such is the system that we have in regard to this particular matter before the House. Nor do I see the difficulties that are to arise under this measure with regard to the matter of dower. On the contrary, I cannot see how it affects dower. If real estate becomes a chattel, then it becomes part and parcel of the chattels of a person dying intestate, and as a matter of course the wife must have a share equal to, if not greater than she now has under the laws relating to real estate. So I cannot see how any difficulty will arise in that direction ; but we have at the present time a law that has been in operation for some eighteen months past in British Columbia ; and I observe in the address delivered upon the Land Transfer Reform, by Mr. Mason, that it does not work badly on the Pacific cost. But for thirty years the system has been in active operation in the Australian colonies. It is not going too far to say that the legal gentlemen of those colonies are as acute as any members of the legal profession of Canada ; and yet after thirty years experience there, when asked by the home authorities in England (where, I believe, there are only two or three registration offices for the whole United Kingdon), how it worked, the answer in each case has been that it worked most satisfactorily. But the answer given by the registrar of British Columbia I think meets the whole case. He says :—

1st. The title to real property has been greatly simplified, without radical changes in the general law.

2nd. Stability of title, with safety to purchasers and mortgagees has been secured.

3rd. The ownership of property, either in town or country, is shown by the register at a glance, and whether incumbered or not.

4th. It increases the saleable value of property.

5th. It enables both vendors and purchasers to accurately ascertain the expenses of carrying out any sale or transfer.

6th. It protects trust estates, and beneficiaries.

7th. It prevents frauds, and protects purchasers and mortgagees from those misrepresentations common in all countries amongst a certain class of legal practitioners and land agents.

I think that experience, coming from the Registrar-General, ought to have some weight with the House ; It certainly has had great weight with myself, and I hope the experience of a very few years operation of this law in the North-West will enable the Government to bring down a measure extending the system to the whole Dominion. I do not see the difficulties that the hon. gentlemen from Nova Scotia apprehend as likely to arise from the introduction of this measure, even in the maritime provinces. Here is a country situated in the same way as the Australian colonies, where it has been in operation for years. They have the option there to follow the Torrens system or the old system, and I think the result there shows that there is no great difficulty in the introduction of the system in the older provinces of the Dominion My hon. friend shakes his head ; anyone who has had anything to do with the laws of property or the granting of deeds for property knows the great difficulties that are met. In a new country, particularly this country, where we have rising towns, a man may own five or ten acres of land worth probably $100 an acre, which by the progress of the town, may become sufficiently valuable to be sub-divided into building lots. If you bring the deed of that particular piece of land under this system, you have no search to make in any case ; whereas, for every building lot into which the land is sub-divided, there would have to be a search under the old system. I do not see that any difficulty can possibly arise in the matter. Speaking from the experience in countries similarly situated to our maritime provinces, in the province from which I come particularly, I do not see how any difficulty could arise, because we have but recently had a change from the leasehold system to the freehold system, and all the

deeds are registered in the land office. I consider this Bill a step in the right direction. We unfortunate laymen can remember long documents about John Doe and Richard Roe and a great many other things; but the law has been greatly simplified and I do think this is one of the works of John Doe's time. The sooner we get it introduced into the whole Dominion of Canada the better it will be for the owners of land. It will enable people to purchase and dispose of property easier; and more confidence will be felt in the security of titles. My hon. friend from Niagara said why not have the title registered and get the title from that? There are no two lawyers who agree on registration. In my experience, where one lawyer has made a search and pronounced it right, his brother lawyer does not take it, but makes a search for himself; he thinks something may have been overlooked, or that two lawyers may have come together and agreed to overlook certain things. Now with regard to one thing spoken of here—that is with regard to sheriff's titles—it is a well known fact amogst legal men that if they want to dispute a sheriff's title it is easy to do so—some advertisement has been irregular, or something of that kind, and in consequence the title may be vitiated. The leader of the Opposition in this House smiles at me, but I know of two cases in particular which have occurred lately in Prince Edward Island where the sheriff's title was decided by a judge of the Supreme Court to be bad because certain conditions were not complied with. So I say in this case there cannot be a certitude. In Australia, in several cases where large sales of lands have taken place, parties have gone to them and almost the first question they have asked has been whether the sale was under the Torrens transfer system or the other; if the answer was that it was not under the Torrens system they left I have no doubt in a short time in the North-West Territories, when land sales take place, the same question will be asked with the same result. Immigrants coming to this country from Germany, Ireland, Scotland, France and other countries will find it easy to ascertain how titles are procured in this country. As it is now, they are compelled to go to a lawyer, but under this system there would be no necessity of the kind. I am glad to see that the Minister of Justice has had the courage of his convictions to bring this Bill in, and I do hope that the experience which we will gain of its operation in the North-West may be the means of extending the system to the whole Dominion.

Hon. Mr. GOWAN—I will not detain the Senate more than a few moments, but I should like to say a few words with respect to this Bill. I had an opportunity of going over all the clauses, which I did, and compared them with Mr. McCarthy's Bill, and I wish I had received the reference which was subsequently distributed, as it would have saved me a great deal of trouble. However I compared this Bill with Mr. McCarthy's measure, which had been received to some extent favorably by gentlemen elsewhere, and which also met with approval of the professional gentlemen in Toronto, who favoured the introduction of the system. The Bill before me has been prepared with a great deal of care, and in my opinion is a much better measure than Mr. McCarthy's Bill. It provides for many things suitable to a new country which Mr. McCarthy's Bill made no provision for, and there is less complication in working out some of the details. It would be out of place to enter into these details at the present time, but I would like to say a word or two in regard to the system generally. We know that it has been in force in Australia, where it was first adopted on the advice of Sir Robert Torrens I do not know whether my hon. friend from Halifax is right in saying that Sir Robert Torrens was a Custom House officer. If he was a Custom House officer he was also an eminent jurist, and he was also the premier of South Australia, a very distinguished man, and a man who made a very strong impression on the professional men in England.

Hon. Mr. HOWLAN—He did not belong to the legal profession, but was simply an officer in Her Majesty's Customs.

Hon. Mr. GOWAN—For twenty-six years this system has been in force in that country, and as they saw its working and saw its defects, amendments were passed

to correct these defects and improve the system. The first was passed in 1858, and they enacted three different statutes amending it, and bringing it down to the year 1870. It has been in force fourteen years in New Zealand. It has been twenty-two years in force in Tasmania. It has been eighteen years in force in Victoria, and some twenty-two years in New South Wales. All these countries have had an opportunity of experiencing its operation, and they all speak favorably of it. I happened to know some gentlemen from those colonies, and among them Sir John Hall, who was for five or six years premier of New Zealand, and he said that at first there was a strong feeling against it, but when they saw it work so well in the other colonies they decided to adopt it in New Zealand, and now they prize it highly, and consider it a great improvement on the old system they had before it. He said to me that in certain localities there were some little difficulties in working it because the surveys were imperfect or erroneous, and that caused some dissatisfaction for a time, but that was got over. Now, so far as that objection is concerned it would not apply to the North-West, because we have an excellent system of surveys there, and the whole country is laid out on the best and most approved system, and so far as that is concerned there can be no application of such an argument against the adoption of this Bill in that country. However it is not intended as a measure that is to last forever. It is intended at present to give the people in the North-West a fair start, and it is introduced into that country under very favorable auspices, because as yet there are few instruments on record under the old registration system. It is very easy to introduce it there now, and give that country a fair start; but if the present system goes on for a few years longer, when the country grows up and they are entitled to legislate for themselves, it would be then much more difficult than it is at present to effect any change. I entirely agree with the few last remarks of my hon. friend from Ottawa, who said that it is desirable to give it to them now, and afterwards, if they please, when they are able to legislate for themselves they can alter it. There are several points in the Bill,—which is, I think, one of the best drawn measures I have seen for some time—that can be noticed more particularly in committee; but there is one point that my hon. friend has laid some little stress on—that is that the Act abolishes all trusteeship. I confess I do not myself feel impressed with that objection. It must be remembered that this Bill applies to a new country where there is very little entanglement of rights, and very little complication, and everything is in a very primitive condition. My recollection of my own province extends back nearly half a century, and I can remember at that period trusts were very rarely in practice, and in the early settlement of the country they were almost wholly unknown. Now, the same conditions apply, and certainly with greater force in the North-West. I do not feel myself impressed with that objection. I know that in the early days I refer to trusts were almost unknown in Upper Canada, and we had not a Court of Chancery, and we got on very well indeed for a time without it. Then with regard to trusts, we know that under the banking laws they are not recognized. $100,000 might be changed in the twinkling of an eye by writing in the transfer book in a bank, and there have been means resorted to to guard against any improper dealings by trustees—at all events it is a fact that no difficulties of that kind have occurred. I do not propose to dwell on the subject, because it has been so much spoken of and so thoroughly known that everybody can appreciate it. The last speaker has brought out from a layman's point of view all that can be said in favor of the system. It combines cheapness with safety and security to the purchaser. The plan of having registrars and a Court of Appeal under this new Bill, is, I think, a very great improvement upon the McCarthy Bill; but I think it is an exceedingly important thing that those registrars should be trained men. I understood the Minister of Justice to say that while two or three of those registrars were professional men, one was not, and I do not think that is an adequate safety to the public. They should be all trained men, thoroughly prepared for their duty, and it might be perhaps a desirable thing to insert in the Bill a clause requiring them to be qualified for the work. It

is one of those matters of detail that I do not desire to dwell upon now, but I just throw out the suggestion for the consideration of the Minister of Justice. I know that my friend, Mr. Mowat, is very much in favor of the Torrens system. His letter to Sir John Macdonald a great many years ago as to the Quieting of Titles Act, and some of his own Acts, all show the drift of his mind, but I think he is exceedingly wise in not applying this system to the whole province, or in any place where the other system has been in force for years, and where a number of registrations have taken place. Whatever doubt may exist as to the propriety of this system being applied to old settled provinces where there are entanglements of title, and where there is much complication, there certainly can be no difficulty whatever in applying it in a new country like the North-West. What I said before I repeat: if the Torrens system is established there now it can be easily done, but it is not for all time. If the people, after a fair trial of it—and they will have a fair trial of it before they assume to themselves the duties of Government and the exercise of provincial rights—are not satisfied with its operation, they can at once do away with it and resort to the old system of registration, but I do not think they will do it. If the present system of registration is continued until the future provinces of the North-West are able to legislate for themselves a change will be most difficult to accomplish. I may say that even as the Bill stands, I would rather vote for every word and clause in it just as it is than not see it pass into law. I hope the Minister of Justice will be open to receive any suggestions that can be made to improve the Bill without altering the principle. It will be impossible to incorporate anything that alters the system materially, because if the system is altered in part the whole value of the Bill is thrown away. I hope the measure will receive the support of the House.

HON. MR. ALEXANDER moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 6 p.m.

HON. MR. GOWAN

THE SENATE.

Ottawa, Friday March 6th, 1885.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

THE HATZFELD DIVORCE BILL.

REPORTED FROM COMMITTEE.

HON. MR. KAULBACH, from the Select Committee to whom was referred Bill (D), "An Act for the relief of Georg Louis Emil Hatzfeld," reported the Bill without amendment. He said: In order to give hon. gentlemen an opportunity to see the evidence taken in the case, I move that the report be taken into consideration on Thursday next.

HON. SIR ALEX. CAMPBELL—May I ask the hon. gentleman if the committee have decided that the evidence should appear in the minutes?

HON. MR. KAULBACH—They did not report to the contrary.

HON. MR. GLAZIER—Will members get a copy?

HON. MR. KAULBACH—Yes.

The motion was agreed to.

THE EVANS DIVORCE BILL.

REPORTED FROM COMMITTEE.

HON. MR. GOWAN, from the Select Committee to whom was referred Bill (G) "An Act for the relief of Alice Elvira Evans," reported the Bill with certain amendments. He moved that the report be taken into consideration on Friday next.

HON. SIR ALEX. CAMPBELL—May I ask the hon. gentleman if in this case the committee have recommended that the evidence be printed in the minutes?

HON. MR. GOWAN—No; it has not been thought necessary to do so. The

matter is so clear, and the evidence is so short, that the whole thing lies in a nutshell, and it was not considered necessary to have the evidence printed.

The motion was agreed to.

EXPORTS FROM HUDSON BAY.

MOTION.

HON. DR. SCHULTZ moved:

That an humble address be presented to His Excellency the Governor-General praying that he will cause to be laid before this House a return of all Exports from Ports on Hudson and James Bays, other than York Factory, of furs, fish, whale, seal or porpoise oil.

HON. SIR ALEX. CAMPBELL—I am afraid that we have not had much in the way of Returns to offer the House, but whatever can be found will be brought down.

The motion was agreed to.

SUPERINTENDENTS OF EDUCATION IN THE NORTH-WEST.

INQUIRY.

HON. MR. SCHULTZ inquired whether it is the intention of the Government to appoint at an early day superintendents of education in the North-West.

HON. SIR ALEX. CAMPBELL—I am not able to reply to my hon. friend. The matter of appointing superintendents of education in the North-West would more properly come before the Lieutenant-Governor and the North West Council first, and we have not had an opportunity of having any communication with him on the subject as yet, but I hope to make the inquiry shortly, and before the end of the session to give my hon. friend the answer he desires.

REAL ESTATE IN NORTH-WEST TERRITORIES BILL.

DEBATE CONTINUED.

HON. MR. ALEXANDER resumed the debate on the motion for the second reading of Bill (A), "An Act respecting real property in the North-West Territories." He said: In resuming the debate I would crave permission to observe that the two hon. gentlemen, the hon. member from Prince Edward Island (Mr. Howlan) and my hon. friend from Barrie (Mr. Gowan) really have anticipated the remarks which I had intended addressing to this House on the measure. The speech of the hon. and learned Senator from Barrie was so full as to cover the whole ground, and I almost feel as if it were unnecessary for me to add one single word to his observations. The statement which he made that the Torrens system of transfer had been a great success in all the younger dependencies of the British Crown I can perfectly verify, because Sir Robert Torrens was a very particular friend of mine, and I met him on many occasions during my visit to England in the years of 1879 and 1880. His system, as the hon. member from Barrie observed, has been very successful in New Zealand and most of the Australian colonies. Why that system has not been adopted in England can be perfectly well understood by this House: the great landed proprietors of England, members of the House of Lords and proprietors in the different counties of England, possess valuable estates under titles in existence for hundreds of years, and it could not be carried out there without leading to a search into all those titles. Such a search might result in dispossessing perhaps a member of the House of Peers, or members of the nobility of England. Some fault might be found which occurred a hundred years ago that would lead to that result. With regard to the measure itself, while I fully am of the opinion that we ought to try the system in the North-West, I shall take the occasion to object when the Bill goes into committee to some of the details, because I hold the opinion—and I am sure it will be shared by the legal gentlemen in this House—that instead of making special legislation for one part of the Dominion, we ought to assimilate the laws as governing real estate. What a confusion it makes that we should be interfering with the laws of dower, for instance, in one portion of the Dominion while such are acted upon in other provinces; and there are also some other minute details of the Bill on which, when the

measure is under the consideration of the committee, I shall endeavor to express my views. Sir Robert Torrens' history is well known. He was a collector of customs prior to 1852, when he became Treasurer of the Government of South Australia. He became Prime Minister about 1864, after which he left South Australia and came to England. He was elected to represent Cambridge, a most important constituency, in the House of Commons in England, and was a most respected member of that body until he left it. He died last year, and his death was much lamented by the members of all parties in England. I shall only, before sitting down, make one further observation, that if this law is to be a success in the North-West, the greatest caution must be exercised by the Executive Government with regard to the appointment of the registrars on whom will depend the proper and faithful carrying out of this law. The legal possession of real estate in the North West will depend upon the selection of the registrars and the judges. It will first devolve upon the registrar to determine from his own judgment and experience whether a title is perfect, and upon his having any doubt in his own mind he will then refer to the judge of the district, whether of Assiniboia or Alberta. I have not read the Bill sufficiently to say, but I understand from the hon. member from Barrie that in the event of the registrar and the judge not agreeing as to the legality of the title, that it will be referred to two or more judges. Therefore, if this Act is to be a success in the North-West such appointments must not be political, which appears to me to be great drawback to appointments in this country, and certainly men should not be selected who simply have rendered partisan services to the Government of the day or to any Government.

Hon. Mr. O'DONOHOE—There are some few observations that I desire to address to the House upon this Bill respecting the transfer of real estate in the North-West Territories. The measure is an important one and commends itself to my own judgment to start with. The two important points in it are, first the titles of lands, and second the estate of dower. These two points are of paramount importance, and lay members of this House have laid much stress on the fact that estate of dower does not exist under the Act. I would observe to them that before objections are taken to the absence of that estate in the Bill, a knowledge of it is necessary. It is not such an estate as most men consider and believe it to be. It is a very ancient estate. Under the Roman law it was a gift to the wife of a personalty upon her marriage. Since the conquest it became an estate in land, but not the third of the estate of the husband, as some laymen have considered it to be. It is only an estate for the life of the wife in a third part of the husband's land. That is the extent of it, and it is never an estate in possession during the life of the husband. It is therefore much smaller than an estate in the third of his lands. It may be only for a day's duration. The husband may die to-day; the wife has no estate in possession until that death has occurred; she may die to-morrow, and in that case she would have only the interest of one day in the estate, or in the third of the lands of the husband. Now, by this Bill, it is provided that in a case of intestacy a provision is made for the wife which to my mind is more than an equivalent for the loss of dower. She obtains the one-third of the lands converted into personalty, as the lands here are in principle converted into personalty from the very beginning. She not only obtains a life interest in the third of that estate so converted, but she obtains a third of that estate absolutely. On the other hand by an estate which always attached to the lands of the wife for the benefit of the husband, an estate by the courtesy of England, he obtained an estate in the whole of the lands of his wife during his life upon condition—upon the condition that issue had been born of the marriage. That has been termed "an estate by the courtesy." That estate is no longer attached in this Bill, so that if the wife loses her dower the husband is deprived of his courtesy, and as we all know—both in England, and more particularly on this continent—every year that passes, the husband and the wife are more nearly assimilated in their civil rights and rendered more independent of each other than they had been. The wife to-day, and particularly under this Bill, is made competent to pos-

sess her lands independent of her husband. She can take them by purchase, by inheritance or otherwise, as freely and as completely beyond his control as if she had been a *femme sole*, or an unmarried woman. Then, again, looking at the comparative cheapness of lands there, the newness of the country, and the little value there is in dower, and the embarrassment which it frequently occasions in the transfer of property, I consider, after having given it the very best attention in my power, and comparing it with the provisions of our own statutes and the provisions regarding dower engrafted upon our own laws, its exclusion is a material and very proper improvement. Everything should be done in this new country of ours to make lands valuable by drawing towards them population, and this measure makes transfers free, simple and easy to the immigrant. There is no feature in entering a country that, perhaps, embarrasses a new comer more than knowing there is intricacy or doubt about titles; but under this system, however illiterate he may be, he is assured that he has only to go to the office, and that the very last paper upon the register contains the whole title, and that it is not necessary for him to go behind that. It gives him confidence in the land and is an inducement to buy which he otherwise would not have had. And, hon. gentlemen, we have had evidence of the difficulties of title in this province new as it is. So great have those difficulties become that shortly after confederation it became necessary to pass a law in this province and constitute a court for the quieting of titles. That court has been established and its operations have been most beneficial, but very expensive. A man having in a city, or outside of a city, a hundred acres of land which he designs to cut up into village or town lots, no matter what it costs him, it is a necessity before he puts those lots into the market for sale to get a certificate from the quieting of titles court. Otherwise had his 100 acres been cut into town lots, and he offered one of these lots for sale, the man who purchased the single lot was obliged to incur the expense and the labor of investigating the title to that 100 acres from the date of the Crown grant down to the time that he bought it. That lot, one of the thousand into which the 100 acres is divided may not be worth more than $200; but to satisfy him that he has a title he must engage a professional man. That professional man feels that his own character is at stake to see that nothing but a good title passes to the purchaser, and he is obliged to go into that title and investigate it from the time of the patent down to the present hour. The cost of that investigation hon. gentlemen can easily understand. But the man who buys lot No. 2, notwithstanding all that had been paid for investigating the title of lot No. 1, has to go to the same expense and trouble. The hon. gentleman who spoke yesterday suggested that when one man, or the purchaser of one lot, had investigated his title the result of the investigation should be placed on record, so that the man who came next to purchase could look at it, and not go beyond it. We know very well in practice that that is quite impracticable, it cannot be done. In the first place the man who investigated the title of lot No. 1 was not obliged to register his investigation, but if he had been, the man who purchased No. 2 would not be content, nor would the solicitor employed by No. 2 be satisfied unless he had investigated the title to his own satisfaction, nor would he give a certificate until he had examined it. Then hon. gentlemen can readily understand the expense of investigating the title of the thousand lots into which that 100 acres would be divided. In this Bill the good title is certified. No man is obliged afterwards to go behind that title. If he has an unconditional title granted by the judge of the quieting of titles court, all the purchaser has to do is to look at that certificate and has not to go behind it. It is quite as satisfactory as if he saw the patent from the Crown. Now exactly like that certificate will be the last certificate in the Registry office under the present Bill. A man will not be obliged to go behind it, no matter what quantity of land is sold, and if the transfers were ten in a day or any number all that the purchaser has to do is to look at the last certificate and there it is simplified to the greatest possible extent. If there should be any doubt of the certainty of title, no matter how much cheapness might be gained under this system it would be objectionable.

But from all that we have heard the system of titles to which it comes the nearest, and from which I believe it has been derived, is the titles to ships. Now in our province ships are not of that magnitude that they are in the Maritime provinces of the Dominion. But notwithstanding the fact we have quite a number of ships and shipping interests; still I hardly remember any question in our own courts as to the title to a ship, and the title here is exactly like a title to a ship—all you have to do is to go to a custom house officer and find out who is the owner of the vessel. In my own experience I have scarcely ever heard of any difficulty as to title arising from the system.

And when I find the gentlemen who come from the maritime provinces, where that interest is paramount—paramount in value—give their evidence that no difficulty arises there in title, then I say that there is every reason to believe that in this system there is the greatest possible security. It is both simple and certain, why then should we not adopt it? I am quite certain there will be no difficulty in adopting the principle of this measure. It is quite true that in committee there may be some matters of detail which it will be necessary to examine closely before the Bill finally passes, but as to the principle of the Bill, I feel that it is an immense improvement upon anything we have hitherto had. We have been in many ways departing from the old system of conveyance, and many other old systems also. We have abolished in this country, without hesitation, the law of primogeniture, though it is still retained in England, and it simplifies matters very much. I believe we copied the State of New York in doing that, and it is now generally accepted throughout the whole of the United States. If it came even to the question of transferring some of our present laws to those territories, which of our laws, of which of our provinces should we take—because they are not alike on this point? The Province of Quebec has her own laws, and as I understand the law of dower exists in Nova Scotia and in some more of the provinces, so that the law as to real estate and conveyance is not the same in all our provinces; and even if the Dominion had thought fit to transfer to the North-West the laws of Old Canada, we still would have a difficulty in deciding what code we should copy from. We are doing better than that; we are copying from a British colony, and from countries in which this system has been in operation for quite a number of years and where its operation has been attended with great success. In one of the blue books of the English House of Commons a report is to be found which was made at the instance of the English Government, and there the testimony, some of which has been referred to and quoted here, is most satisfactory in favor of this system.

A blue book was published in 1881 by order of the British House of Commons, in which I find the following:—

The Registrar-General of South Australia writes: "In obedience to the Honorable the Attorney-General's direction, I have the honor to forward reports by Mr. Gawler and Mr. Turner, the Solicitors to the Lands Titles' Commissioners, on the working and progress of the system of Conveyancing by Registration of Title in South Australia, and, in doing so, have to say that the office is working satisfactorily, and the system is in great favor with the public of this colony."

Mr. Gawley, a barrister of the Middle Temple, and for twenty years Examiner of Titles, Adelaide, wries:—

"Up to the present time (October 1880) no difficulty whatever has occurred in carrying out the ordinary transactions in land, such as transfers, mortgages and leases, and there can be no question that, as regards such transactions, the 'Torrens' system' is a perfect success, land, in fact, being as easily and securely dealt with as stock in the funds."

The Registrar-General of Queensland writes:—

"In the great bulk of transactions the general public have not recourse to professional assistance, the prevailing opinion being that the filling up of forms is so simple that legal advice is unnecessary; but this does not apply to the bringing of land under the Act, by applications, or transmissions of property through death of registered owner, as in such cases professional assistance is almost invariably resorted to.

"There does not appear to be any difficulty in the working of the Acts as mortgages and leases. The Real Property Acts have greatly facilitated mortgages and leases, the simple form of mortgage and release allowing small sums of money, raised on mortgage, to be promptly registered at very little cost."

The Registrar-General of New South Wales writes:—"While on the subject of fees, I may, perhaps, be permitted to mention that the Lands Titles' office is entirely self-supporting, as sufficient revenue now passes through the office to meet all expenses.

"Although the Act has been in operation for nearly eighteen years, no compensation has been made for the deprivation of property, nor has any claim been sustained against the assurance fund, which, at the present time, amounts to £38,060.

"The progress of the Act has been steady, and I may say highly satisfactory, and, so far as the transactions under it are concerned, very rapid.

"The measure, which was at first received with some degree of suspicion as to its practicability, particularly with regard to trust estates, has won its way with the legal as well as the lay element of the community.

"The popularity of the Act is so well secured, and the public generally have become so accustomed to our certificates, and have acquired such faith in their undoubted value, as in many instance to decline accepting a property except the title is registered under what is universally styled 'Torrens' system.'"

The Hon. Thomas Holt, M.L.C., writes:—"The working men of New South Wales are almost all becoming landed proprietors; but hardly one of them would ever attend a sale of land if it were not announced in the advertisement that the title was that of the Torrens' Act."

That plainly indicates what an inducement it is to purchasers, particularly the poorer classes, to go and purchase lands when the title is rendered so simple and secure. I have very little doubt when the system is tried in the North-West and becomes well known, the older provinces, no matter what it may cost, will also adopt it, or some kindred system. We cannot go on forever as we are. It sometimes costs in this province an amount which would be a very large percentage on the value of a property to trace the title. One conveyancer will tell you that if there is a dower outstanding for even fifty years he must have evidence that that has been barred in some way or other; and notwithstanding statutes of limitation shortening the period of title, some conveyancers must have evidence that the woman is dead, or has barred her dower, before he will pass the title, and the embarrassments attending the passing of a title in Ontario are extremely great. The law suits arising out of titles are numerous and the expenses immense. I am now speaking particularly of the province to which I belong; I do not know what the circumstances may be in other provinces. Although we have done much to simplify titles and render them safe still the trouble and expense of getting a good title is very onerous. As one who feels a deep interest in the new comers to our country and a deep interest in persuading people of other lands to make Canada their home, I am desirous of doing everything that can be done to make our North-West Territories attractive to settlers. It is only necessary to make that great country well known and to have our highways to it well established and then I venture to hope we will present a country than which there will be none greater to be found in the world, a country that will draw to it those who are suffering for want of land—the thousands of people in every European country who are leading lives of misery, as soon as that country becomes known, will find in it a home in which they and their offspring can live in happiness and may hope to leave behind them generations worthy of the countries from which they have sprung.

HON. MR. HAYTHORNE—Not being myself a professional man, I felt considerable difficulty in forming an opinion upon this Bill, and I freely admit that I have been greatly assisted in doing so by the lucid speeches which have fallen from almost every professional gentleman in this House who has spoken. There may perhaps be one or two exceptions to that rule, which may be accounted for by the fact that they have been accustomed to the French rather than to the English system. Nevertheless there are some quite unusual circumstances surrounding the bringing in of this Bill. One, which I do not think has been alluded to, is, that the country for which we are now about to legislate, possesses no representatives in Parliament and no member in any legislative body except, perhaps, the North-West Council. At all events, there is no one to represent them in this Parliament, and that is quite an unusual circumstance. Another peculiar circumstance is, that no application has been made for a measure of this sort. That is easily accounted for by the fact which I have mentioned; there being no legislature, there is naturally no body which can make the wants of the scattered population known as regards the registration of land.

HON. MR. PLUMB—They have the right to petition all the same.

HON. MR. HAYTHORNE—The Torrens system is a good deal opposed to the ideas of gentlemen who have lived all their lives in the older provinces of the Dominion, where a different system prevails. I can easily perceive why, for the present, the system in vogue in the province from which I come, for instance, is perhaps best suited for it, although a time may arise when a change may be desirable. Perhaps it is less remote than we anticipate, but I can easily conceive that during a long period the rights of dower which have been so jealously guarded in our province will continue to be maintained. The Minister of Justice in introducing the Bill, told us his experience of a lady's relinquishment of dower in the Province of Quebec. That relinquishment is an every day occurrence in the province from which I come. In our province it is not necessary to go before a judge to perform this legal act. It can be done before an ordinary magistrate. I had even taken a relinquishment of dower in this city, of lands situated in Prince Edward Island. I mention these facts to show the manner in which this dower question enters into the every day life of our people. There is scarcely a transfer in which this relinquishment of dower is not a factor; but I must say, after looking at the Bill and listening to the explanations of the hon. gentlemen who have preceded me, I am reconciled to the system which is to be introduced by the measure before the House. I do not entertain any serious objections to the want of dower. Another thing that strikes me is that it is quite necessary that a Bill of this sort should come into operation in as perfect a form as possible. It would be very inexpedient to be altering this Bill perhaps two or three sessions hence. There would then be two or three sets of titles existing, those under the measure now before us and those under the amended act. It is therefore highly essential to take care to make this measure as perfect as possible before it goes into operation. No doubt the precautions which the hon. Minister of Justice has taken will have that effect. I think it might be quite as dangerous to use too much caution in this Bill as to use too much haste. There is no fear of our being hasty, but if by any circumstance we should be induced to delay taking action on this Bill we might be doing a serious injury to the settlement of that country. For that reason I think we should strive to make the Bill before us as perfect as possible during the present session. I must say after listening attentively to my hon. friend from Manitoba (Mr. Girard) I felt very much relieved of difficulties I had entertained, because I understood that that hon. gentleman's experience in the North-West peculiarly qualified him to offer a useful opinion on this question, and accordingly I listened to his speech with great attention and profit.

HON. SIR ALEX. CAMPBELL—As apparently those members who desire to speak on the subject have all expressed their views, I will detain the House for a few moments while I endeavor to clear up some of the objections made to the Bill, and which objections are quite capable of being answered. Many of them are to be found in the speech of the hon. member from DeSalaberry, who certainly I think will not feel hurt if I say that his speech was one of the most Tory character—of the most decided conservatism I have heard for a long time. The hon. gentleman laid great stress on the value of the family, and upon the advantage which the family has been in the history of England in offering to the public from time to time men who, from their circumstances, were able to devote their lives to public affairs; and who also from their circumstances were able to bring to the discharge of their public duties all the advantages of education and of continued and early mixing up in public affairs. That no doubt has been a great advantage in the history of England; but it occurs to me that the answer to that in this country is plain, that we do not desire—that it is contrary to the interests of this county, contrary to the general sentiment of the country—to build up families, whatever advantage they may have afforded in England and the older countries; we do not seek nor desire, nor would it be possible, to build up families in this country or to obtain for them in this country the advantages which they enjoy elsewhere; nor is it possible, I think, that such advantages as he describes could result from such families being built up, even if it was possible for us to do so.

HON. MR. TRUDEL—It was far from my intention to advocate anything like a privileged class. I will perhaps have another opportunity to explain what my idea was; at present I merely wish to protest against this interpretation of my remarks. I was speaking of the strength of the family interest, and the importance of constituting strong families either in republics or kingdoms, and was not referring at all to any privileged class, or limiting my remarks to the great families of England. I simply illustrated my remarks by taking instances from the history of England, but I did not limit my observations to that.

HON. SIR ALEX. CAMPBELL—What I understood was that the hon. gentleman laid great stress on the importance of building up families and maintaining family relations, and the importance of all the laws having that tendency, and therefore of rendering difficult the conveyance and dealing with land, and he advocated, as I thought, such a system as would maintain land in families and prevent it being conveyed away, as a general rule. I think my hon. friend for instance pointed to the advantages which had been derived during many centuries from the existance of certain laws, and among those advantages that of the family, and of the services which members of great families rendered to the several states in which they lived—that all those things would be seriously affected by the facility which this measure offers for the conveying away of land; that the greatness of England is much to be attributed to their maintaining the estates of great families intact from generation to generation. That was the line of argument that I understood him to adopt. However my hon. friend says that I do not describe his line of argument correctly, and I must have misunderstood him in some way.

Now I beg leave to doubt whether England has derived all the advantages which my hon. friend states from the circumstances to which he has referred. The Empire has undoubtedly derived many advantages, but there have been many disadvantages also. Whatever may be the truth as regards England, it seems quite out of the question that we should seek here in any way to build up families or keep together large blocks of real estate with any reference to such circumstances; that we must here consider the land as more commonplace, so to speak, than they do in older countries, and more likely to be transferred from hand to hand; and therefore we should, as far as we can, remove difficulties in the way of such transfers. That I think is the received opinion in all parts of the Dominion. I do not think that anywhere—I doubt even in the Province of Quebec, judging from their legislation and decisions there—that they would think it desirable to place obstruction of any kind in the way of transferring real estate. All they would think it desirable to do would be not to remove obstructions if they found them to exist. Some hon. gentlemen—I remember the hon. member from Halifax was one—laid some stress upon preserving some formalities in the way of the execution of deeds. That was part of the general feeling which I understood the hon. member for DeSalaberry to enunciate, that you should not facilitate the transfer of land, but that you should rather restrict it as far as you can by formalities, so as if possible, I suppose, to give a man an opportunity for second thought; and therefore the hon. member from Halifax was unwilling to see the old formality of a deed under seal changed or removed. Well, it seems to me—and I venture to mention it to the House—that there is no valid security against a man's doing that which he may desire by delaying a transaction long enough to require him to affix his seal to a document, and those who are in the habit of seeing deeds executed know that the seal is ready to his hand—perhaps too ready my hon. friend will think.

HON. MR. TRUDEL—Not in Quebec.

HON. SIR ALEX. CAMPBELL—In Quebec the system so far has been to go before a notary and that perhaps gives a little more time. But in truth, it seems to me that for our generation, and for the North-West in particular, the true theory is to afford every facility for the transfer of land; we know that we cannot prevent people from selling their properties. Some hon. gentleman drew attention to the fact that farmers are frequently too ready to

mortgage their farms. Suppose they are you cannot prevent them doing so. You cannot make a rule which will enable those who should have the right to raise money by mortgage to do so, and preventing those who should not. The only way when people will sell or mortgage their property, is to give them every reasonable facility to accomplish their purpose. I do not think there is much objection to the Bill in the light of its affording too great facility to the farmer to mortgage his land. If a man wants to mortgage or sell his property he will do so in spite of the necessity for having a seal on a document, and going before a notary public, and therefore I think the best plan is to give him every reasonable facility for carrying out his desire. The hon. member from Niagara objected to the system as being so novel that people would find it more difficult to carry it out than the present system, and as many of them live far from towns in the North-West, they would be obliged to take long journeys for the purpose of obtaining legal assistance, and really it would not be a convenience or advantage to men situated as they are. I think that would be found not to be the case. The people would gradually become familiar with the Act, and they would find as men of the same kind who live in Australia, in many cases as remote from settlement and legal assistance as they are, that the mode of dealing with land was very simple, and that the deeds were very easy to write. They would come probably to be sold, and there would be no difficulty in a man obtaining a blank form, and still less difficulty in the using it if he had it.

Hon. Mr. PLUMB—I would ask my hon. friend whether the class of settlers in Australia and New Zealand is not entirely dissimilar to the class of settlers in the North-West—whether as a fact the population which is going into the North-West is at all like that of the Australian colonies? My impression is that lands in the Australian colonies have been taken up by an entirely different class of immigrants from those in our North-West. I may be mistaken but I think there is a great difference.

Hon. Sir ALEX. CAMPBELL—I think my hon. friend is right in saying that the class is not the same—at all events not of late years.

Hon. Mr. PLUMB—The emigrants to the Australian colonies are as a class more intelligent people.

Hon. Sir ALEX. CAMPBELL—Of late years, but it was not so in the first place. Take those who went to Australia or New Zealand 20 or 30 years ago and I think it is quite likely that they were the same class of people who are now going to our North-West. My hon. friend knows that the North-West is not being peopled by settlers who are altogether, or even to a large extent, illiterate—that many of those who go to the North-West are men of considerable acquirements and education.

Hon. Mr. PLUMB—I do not dispute that for a moment.

Hon. Sir ALEX. CAMPBELL—Perhaps on the whole I may be doing the people of New Zealand and the Australian colonies some injustice in saying that they are the same class as those who go to the North-West, but I think not. I think twenty years ago the same class went there that now goes to our North-West, but of course that is a matter which perhaps is deserving of being looked into. Whether they are or are not, the system is so simple in itself that it is almost sure to come to be understood very readily, and worked very readily, by those who are not lawyers. In fact that objection was taken to the system originally in the colonies to which I refer by the members of the legal profession, that it would ruin them, because the plan was so simple that they would not be resorted to: the simplicity of the Act is the reason of its being so objectionable, as it was originally to the members of the legal profession. Any man of common sense will ultimately, in the North-West when the system becomes familiar to them, be able to make a conveyance from his certificate of ownership. In the first place, he has his certificate certifying that he is owner of a certain lot. He will probably have a blank transfer; if not, all he has to do is to copy the certificate he possesses, and if he wants to sell

to another man they go to the registry office together. Suppose he cannot write it for himself, he goes to the registry office with the certificate of ownership, and says I have sold to so and so, and here is my certificate. The registrar draws a bill of sale in a few minutes, the old certificate is given up and a new one is granted. That is a sysem easily capable of being understood. I do not think it would be more difficult for them to understand that than the system which prevails in Ontario, although they may have been born in this province. Now, with regard to dower I do not feel very strongly on that point. The Bill certainly does, as my hon. friend from Toronto who spoke last pointed out, provide for dower in the case of land of which the husband dies possessed—that is, the widow, in the event of her husband dying, would, under the Statutes of Distribution, get one-third of the land he possessed. Whether with reference to land he parts with in his lifetime it is desirable to cut off the wife or not from her dower, I do not feel very strongly about. It may be said with very great force, that the wife for the most part, assists the husband in earning the land he is about to sell, and therefore it is very hard to say that she shall not have dower out of it. On the other hand, the husband being able to sell his land freely, may result in increasing his wealth, and in that way it would really redound more to the advantage of his wife and family than if she could stop the sale altogether by saying she would not sign. I agree also in what has been said that the instances where the wife does prevent the transaction are very rare, as far as I have ever known. The silk gown suggestion of the hon. member for Lunenburg is the ordinary remedy for any difficulty on the part of the wife.

HON. MR. PLUMB—That is something.

HON. SIR ALEX. CAMPBELL—Yes, that is something; she gets the silk gown, but I do not think she succeeds in preventing the sale. The hon. member from Halifax also said that he was not satisfied with the provision as to trusts and that a breach of trust might be a very serious thing, and injure numbers of people and families. That is very true but we know that trusts are very often improperly discharged by trustees, that the fact of your appointing trustees does not at all secure their honesty or accomplish the object which the person who creates the trust has in view, and that a man very often in making trust estates in his last will deceives himself and injures those whom he is so anxious to benefit, and that the object he has in view cannot be accomplished, simply through the dishonesty of the trustee. He wants to guard against that—how can he guard against it? The land under this system is looked upon as the great object of the state, and legislation to secure the title and to secure its passing from A to B absolutely without any possible contingency relating to trust—that seems to me more important than anything that could be done for the preservation of the object of the trust, and while thinking of that I remember a story illustrating the insecurity of trusts. A father who by his last will had left a hundred thousand pounds to his son, mentioned the fact to him and said "I have put one hundred thousand pounds in the hand of a trustee for you." He said "father could you not make me trustee? I would rather be the trustee," showing at all events that the people have arrived at the conclusion that it is not very safe to put anything in the hands of a trustee. The House should bear in mind that although the land will go to the purchaser yet the trustee can be followed up and punished, and any other estate he may have can be touched.

HON. MR. ALLAN—Would not this Bill practically put an end to creating trusts? Would it not at all events so far put an end to them that while this measure was in operation a person would hardly run the risk of doing so?

HON. MR. SCOTT—It cannot be registered as a trust deed.

HON. SIR ALEX. CAMPBELL—You could not register the trust in any way. You could only have those words which have been mentioned by the hon. member from Halifax entered—there shall be no survivorship. It certainly does not do away with the possibility of creating trusts, but it may do away with the practice of

making them. They are not recognized on the register.

HON. MR. PLUMB—And the register is the evidence of title?

HON. SIR ALEX. CAMPBELL—Yes, it is the evidence of title. I am not aware whether in the Australian colonies, where the system has been in operation for some years the result has been to abolish trusts. I do not think that anything is stated about it in the very few works we have on the subject.

HON. MR. SCOTT—It is practically abolishing trusts if you cannot register a document with a trust in it.

HON. SIR ALEX. CAMPBELL—It may not abolish trusts nevertheless, and I do not think it does, because there is a provision in the Bill that the *cestui qui* trust can change the trustees from time to time.

HON. MR. SCOTT—By application to the court.

HON. SIR ALEX. CAMPBELL—That would not be the case if trusts were abolished altogether. The whole idea is that a title shall not be bound up in the discharge of the trusts—that the title shall not go to the purchaser, and that the *cestui qui* trust shall look to the trustee; but I do not agree with the hon. member from Niagara that trusts are abolished.

HON. MR. PLUMB—They do not make liens.

HON. SIR ALEX. CAMPBELL—Is not that an advantage that they do not make liens?

HON. MR. PLUMB—That virtually abolishes them.

HON. SIR ALEX. CAMPBELL—No, not virtually; you can have them if you please without their being liens on the land.

HON. MR. SCOTT—If a man devises to one of his sons a piece of property, the son does not take that property if he is not an executor. The trustee may sell the property, notwithstanding that it is devised absolutely under the will to a person whose representative he is. That is really where I see great insecurity, that a man cannot divide up his property and be sure that his will shall be respected after his death. The trustees may sell the property and the devisees can have only personal recourse against them. It is true they may apply to a court, but that is a tedious proceeding.

HON. SIR ALEX. CAMPBELL—No, not a tedious proceeding.

HON. MR. SCOTT—I mean for the time being. At all events, the executor or administrator is absolute owner and may sell although there is an absolute devise of the property.

HON. SIR ALEX. CAMPBELL—It is the interest of the state to see that the property goes from the vendor to the vendee absolutely.

HON. MR. SCOTT—The 7th clause provides that no devise shall be valid or effectual as against the purchaser.

HON. MR. POWER—Take the case for instance of a person who holds valuable real estate as trustee for a number of children. Under the present law his title would be registered as trustee and subject to the trust; and no one could buy from him without being aware of the fact that he was simply trustee. Under this Act, supposing there was one trustee, it would not appear that he was trustee, and these infant fiduciary rights would be prejudiced, and no one would be to blame except the trustee.

HON. SIR ALEX. CAMPBELL—On the other hand you have the danger that you may have a piece of land subject to trusts and it may be tied up for years, and it prevents the use of the property for all that time. I dare say in England there are many properties subject to so many trusts that it is impossible to deal with a property at all. This system takes the other plan and says they shall be of no account as regards the title. Then with reference to the trust question the remark

of the hon. member for Barrie is very pertinent; that is, in a new country the trusts which exist are very small in number. I quite agree with him. In the early history of this province we had hardly any trust estates at all. I think that the measure as a whole will work well in that western country, and I hope it will receive the sanction of the House. Parts of the measure are really not necessary to the system at all. They have been introduced because they have found their way into legislation in these colonies from which this Bill is drawn. It will be for the House and Committee to say what shall be done with those. I do not express my own opinion about it now at all; but if the House so decide, it has the opportunity of eliminating from the Bill the provision as to dower, and the provision as to tenancy by courtesy, and many other provisions of that kind which are not necessarily incidental to the Torrens system. That the system as a whole will work well in that new country I am satisfied. I do not know what I should think of it if it were proposed to be introduced into Ontario, more particularly if introduced side by side with the other system, as in Victoria, which seems to me very objectionable, that lands already patented should be under the old system, and lands to be patented should be under the new system. Fortunately the circumstances of the North-West enable us to make it general. As it presents many advantages it seems to me it is a very desirable system to introduce into that country at this time.

HON. MR. PLUMB—I would like to ask the hon. Minister what is the law which now regulates these matters in the North-West—whether it is under the English system, which is said to be very burdensome, or if there were no legislation now what would be the condition of the North-West?

HON. SIR ALEX. CAMPBELL—The law in the North-West is the law of Ontario. The Lieutenant Governor and Council of the North-West having power to legislate there adopted the law of Ontario, and that is the statute which is in force there now.

The motion was agreed to and the Bill was read the second time.

O

THE INDUSTRIES AND MANUFACTURES OF CANADA.

INQUIRY.

The order of the day having been called for resuming the adjourned debate on the Hon. Mr. Macdonald's motion:

"That he will call attention to the Report of the Commission issued by the Government last year to inquire into the effects of the Tariff of 1879, on the Industries and Manufactures of the Country, and will ask the Government whether the Report will be furnished to Members of the Senate and a certain number to the Country."

HON. SIR DAVID MACPHERSON said:—Before addressing myself to the subject which the hon. gentleman from Victoria, (B.C.) brought before the House, I wish to say a few words upon a question which the hon. gentleman from Ottawa dealt with at considerable length and seemed to attach very great importance to; that is the manner in which disputes on questions of revenue are now settled. In all questions of dispute arising under the working of the Custom Department or the Department of Inland Revenue, if the decisions of those departments respectively are not satisfactory to the parties interested, the cases are referred to the Treasury Board. The Treasury Board is composed of four members of the Cabinet, the Minister of Justice, the Minister of Finance, the Minister of Customs, and the Minister of Inland Revenue, and by that tribunal, for it is a tribunal, the whole question in dispute is considered, and I am quite sure that no one will doubt that the desire of the members of that tribunal will be to arrive at an equitable decision. My hon. friend from Ottawa said, and repeated it very often, that he thought the tribunal should be a judicial one. Upon that I differ altogether from my hon. friend, and am inclined to believe that a vast majority of the merchants of this country, the parties who are concerned in these disputes, would prefer the present tribunal to a judicial one. All matters going before judicial tribunals, and considered by judicial tribunals, invariably take a long time to settle. If we were to agree now that it be enacted that all those questions should be referred to the Exchequer Court for instance it would be

very soon desired that there should be an appeal from that tribunal, because judicial decisions are not always satisfactory. My hon. friend from Ottawa has had a very large practice as a leading member of the bar, and I am quite sure that he has very often been dissatisfied with the decisions of the court; that in cases in his opinion where the law and the facts entitled him to a judgment, the decision was against him; but it was a judicial decision, and there was nothing to be said against it after it was taken to the court of last resort. But such decisions, when submitted to a judicial tribunal, are attended with great delay and expense, and in revenue cases, where goods are frequently under seizure awaiting decision, and where parties have had to give bonds perhaps for penalties which may be enforced, a very important object—the most important object next to the decision of the point itself—is that the decision should be rendered without delay. Now one great advantage of referring these questions to the Treasury Board is that they are decided without delay, and while I think from the manner in which my hon. friend dwelt upon the subject, he may know of some case where it appears to him that injustice has been done, and it is not possible that errors of judgment can be invariably avoided. There is no tribunal in the world whose decisions are always right. It is not possible to have a tribunal, composed of fallible men, that will not sometimes fall into error in arriving at a decision; but I repeat that the change which the hon. gentleman proposes would be most unacceptable to the commercial community.

I think the House should feel indebted to my hon. friend from Victoria, for the important and useful speech which he delivered the other day, and in which he brought under the review of the House, the effects upon the prosperity of the country of the National Policy which was inaugurated in 1879. The report to which he referred was not on the table, and was not in the hands of hon. members. I had not seen it myself, nor had any one of the members of the Government in this House seen it, nor do I think any member of the Government in the other House but the Minister of Finance, as the report was laid on the table of the Commons in manuscript. The hon. gentleman (Mr. Macdonald), I understood him to say, had been fortunate enough to see the manuscript report, and it has been published, for it has since been shown to me, in the Toronto Mail of the 12th February. Of course that is not official, but I have no doubt that it is correct. That report showed the wonderful progress that our manufacturing interests have made since the inauguration of the National Policy. My hon. friend from Ottawa spoke of that policy as if it were one forced upon the country by the present Government. He must know very well that instead of that being the case, the Government were merely the exponents of the wishes and demands and commands of the large majority of the people to bring that policy into operation. I believe it is quite an open secret that the Government of which my hon. friend was a member, seriously contemplated—in fact had made up their minds to introduce a National Policy in 1878.

HON. MR. SCOTT—I think not. I never heard of it.

HON. SIR DAVID MACPHERSON—I heard of it, and it was very generally heard of in Ottawa and throughout the country. The then great organ of the party of my hon. friend *(Globe)* announced on the day before the Budget Speech was to be delivered that there would be a change in that direction, and while I do not recollect that it went so far as to say how far the change would go, yet it announced in as unqualified terms as organs usually announce under inspiration what is contemplated by the Government of which they are the organs, that there would be a change. It was said at the time that the Minister of Finance had had to recast his Budget Speech within 24 hours of its delivery, and the reason given for the change was that a number of the supporters of the Government from the Maritime Provinces were opposed to the policy which I have indicated, and induced the Government to alter their determination upon the subject. Whether I am correct in saying that the Government changed its mind at the last moment or not, it did not propound a National Policy, and its members went to the polls as free-traders. The then Opposition, the Conservative

party, went to the polls announcing their faith in a National Policy, and their determination, if they should have a majority in Parliament, to be governed by the sense of the country on that question, and it would only be by the sense of the country being in favor of that policy that they could have been brought into office. The late Government was defeated upon that question. The Conservative party was elected mainly upon the National Policy question, and they carried it out as they believed it was intended by the people that they should carry it out, and did so with the assent of a large majority in Parliament. They appealed again to the people four years afterwards, and, as hon. gentlemen know, the result was a full ratification of that policy by the people. Now my hon. friend from Victoria submitted to this House on the day that he called attention to the question the remarkable progress that had been made in the manufacturing industries of the country. He read extracts from the report, but I did not hear him state that the commissioners had merely gone over about two-thirds of the Dominion in their inquiry. They had not had time to go over the whole Dominion, and they had only gone over, according to their own estimate, about two-thirds of the industries of the Dominion. The Minister of Finance, speaking on the same evening as the hon. gentleman from Victoria, submitted the result of his estimate of what the real increase of the manufacturing industries in the Dominion has been—that is, what the commissioners who have been employed to report on the subject would have been able to report if they had time to visit all parts of the Dominion, and with the permission of the House I will read it:—

"These gentlemen, the commissioners, estimate that they visited factories employing about two-thirds of the operatives of the Dominion. The number in 1884 was 2,096 and of these 1,501 were in existence in 1878, or in five years there was an increase of 595. The number of hands now employed is 77,346, against 42,749 in 1878, or an increase of 34,552. The yearly wages in 1884 were $24,396,165; in 1878 they were $13,833,733, or an increase of $10,562,432. The value of manufactured products in 1884 was $102,870,166, against $49,963,882, or an increase of nearly $53,000,000, while the capital now invested is $67,293,373, against $37,829,931, or an increase of nearly $29,473,442. If we add fifty per cent. to that, supposing their calculations are correct, the results should be found to be the same. It would appear that the adoption of this policy in 1879 has increased the number of factories by 892, and that the increase in the number of hands employed is 51,828. That the increase in the yearly wages is $15,843,648. Increase of products $79,360,436, and the increase of capital invested $44,210,360. (Loud cheers.) Under these circumstances, I think we have reason to be satisfied with the results of this policy during the first five years of its existence."

I think, hon. gentlemen, the progress has been very remarkable, and I do not think it admits of a doubt that the National Policy has been of great advantage to the country. The number of additional workmen, mechanics and artizans who have found employment in the country at remunerative wages cannot fail to have been of great advantage to the Dominion. Who can doubt that if they had not found congenial employment at home, many of those young men—sons of farmers and others—would have left the country to seek it elsewhere? It is very well known that many of the sons of our farmers, after having received a liberal education such as they can obtain in Ontario and other provinces, are not disposed to follow agricultural pursuits. They prefer professional or mechanical pursuits; they have a taste and a talent for them, and manufacturing industries have attractions for them which induce them to leave the farms on which they were brought up and cause them to seek those pursuits in foreign countries if they cannot find them at home, and I have no doubt the National Policy has induced many young men to remain in this country by giving them a choice in the diversity of occupation. A diversity of occupation is essential to all people. You cannot find twenty men, or ten men, or five men, who are disposed to follow the same pursuit, and if you give our youth nothing to do, as I understand my hon. friend from Ottawa suggested the other night, but follow agricultural, lumbering, mining, or fishing pursuits, it would be impossible to keep them at home. Unless we manufacture for ourselves we must import very largely all the manufactured necessaries of life, and for these we have to send money out of the country. I ask hon. gentlemen is it not better to keep that money in the country? The money you send out of the Dominion goes

to enrich the country to which you send it, and impoverishes our own; but money you retain in the country, while one man may be impoverished by parting with it, goes into the business of another, he is enriched by it, the country retains its wealth, and I ask again can there be any doubt about the advantage of the policy that produces that result? One of the evidences of the improved condition of our people is the increased deposits in the banks of the country, and especially the enormous increase in the savings banks, which is a favorite investment—if I may so describe it—with the working classes. The increase certainly marks a marvellous augmentation of wealth.

HON. MR. POWER—Not at all.

HON. SIR DAVID MACPHERSON—I cannot do better than read what the Minister of Finance said in his speech the other night upon that subject:

The savings of the people were never so large as they are at the present time. This will be seen by a glance at some of the figures. The increase in the deposits in the chartered banks from the 1st of January, 1874, to the 1st of January, 1879—Reform period—was $8,499,342.49, and from the 1st of January, 1879, to the 1st of January, 1884—Conservative period—the increase was $25,903,354 75. The increase in Savings Banks deposits over withdrawals from 1874 to 1879 was $1,997,422.37, and from 1879 to 1884 it was $20,009,853.64. The increase in deposits and purchase of debentures in Canada connected with Building and Loan Societies from 1874 to 1879 was $5,787,516 75, while from 1879 to 1884 it was $9,513,731.93. The number of Post Office Savings Bank accounts open on the 1st of July, 1878, was 25,535, and on the 1st of July, 1884, was 66,882, an increase of 41,146. In addition to these the number of Dominion Government Savings Bank accounts open on the 1st July, 1874, was 19,922, and on the 1st of July, 1884, it was 43,406, an increase of 23,484.

This increased number of accounts with the savings banks indicate the increased number of persons who were in a position to make deposits in those banks, and I think it is impossible to adduce any fact that can bear stronger evidence of the increased comfort and wealth of our working classes than those returns do.

HON. MR. SCOTT—Are there not other investers in the savings banks than working classes, since the rate of interest has been changed by the banks? The savings banks are giving a higher rate of interest than the banks are. The people are withdrawing their deposits from the banks and placing them in the savings banks.

HON. SIR DAVID MACPHERSON—The amount allowed to be deposited in the Government savings bank is small. It is restricted to sums under $3,000, and in post office savings banks to $1,000. I will now give hon. gentlemen a comparative statement of the amounts of the deposits in the Government savings banks, and post office savings banks on the 31st of December, 1878 and the 31st of December, 1884,—respectively:

	31st Dec. 1878.	31st Dec. 1884.
Government Savings Banks...	$5,752,647 98	$16,651,825 49
P. O. Savings Banks.....	2,844,019 89	14,183,258 67
	8,596,667 87	30,835,084 16

This statement shows that the deposits in 1884 were nearly four times as much as they were in 1878.

HON. MR. POWER—A very bad sign that.

HON. SIR DAVID MACPHERSON—My hon. friend from Ottawa spoke of the great decline that has taken place in the value of stocks of manufacturing companies. That is quite true. He spoke of their working on half time and it would almost seem from the comments of some of the leading organs of the hon. gentleman's party, as if they derived satisfaction from witnessing what they believed to be evidence of any want of success in manufacturing enterprises. Reducing the working of factories to half time for short periods, and sometimes for long periods, is common in all manufacturing countries. It happen every day in England, and happen every day in the United States. There are certain manufactories, in fact I think all manufactories are closed for a certain portion of the year for repairs, and I have seen in our own country, during the last two or three months, notices in the leading newspaper of the Opposition —*Globe*, that such and such a factory had failed; that it had to shut down, and

that the enterprise was at an end, and I have seen that denied within a few days of the announcement, and the explanation given that the owners had merely closed the factory for a short time as they were in the habit of doing every year. I am not going to deny that some of our manufactories, and probably many of them, are less prosperous at this moment than their owners expected them to be when they established them. Manufacturers are like importers, desirous of doing a large business, and like importers sometimes overdo their business, but they will learn in time what the consumption of the country is, and while I have no doubt that manufacturers, like importers, will suffer periodically from over-trading, yet on the whole, I believe they will be successful in obtaining a good return for their investments. In 1879 when the inauguration of the National Policy was under discussion, my hon. friend from Ottawa and his friends in this House, and his friends in the country, took the ground that the Dominion was about to be given over to monopolists; that enormous prices would be charged by manufacturers; that they would be enabled to do so from the prohibitory rates of duty that were to be imposed, and there was great sympathy then expressed for the consumers.

HON. MR. SCOTT—So they did for a time.

HON. SIR DAVID MACPHERSON—Now the sympathy of the hon. gentleman and his friends is altogether for the manufacturers; they find that the people are getting their supplies of manufactured goods as cheaply and perhaps more cheaply than they did before, and that all the predictions of our opponents have been falsified by events. While business is finding its level, the consumers benefit by the low prices of goods, and are doing so I believe at this moment. The National Policy was not intended to discriminate, and I believe does not discriminate between classes. There never was a policy inaugurated in which greater pains was taken to produce a measure that would bear equally upon all classes in its operation than in the case of the National Policy. That I state without any fear of contradiction. It is not likely that such a comprehensive measure could have been made perfect at its inception, but wherever it was found to be imperfect—wherever it was found that there was undue friction, efforts have been made to remove that friction, and to do away with whatever inequality may have been discovered in its working. The hon. gentleman spoke of consumers and producers as being separate classes, and having separate interests. I thing in this country that is almost wholly a fallacy. All our producers are also consumers, and unless they are able to obtain a fair return for what they produce, there consumers power is, of course, diminished. There is no such distinction, as hon. gentlemen often attempt to draw, between the interests of consumers and producers in this country, for the whole people are both producers and consumers. My hon. friend from Ottawa gave us an old-fashioned free trade speech the other night. It was very interesting to listen to; it is alway interesting to listen to my hon. friend, because he submits his views with so much clearness; and it was specially so that evening, because I think he was a little more excited than he usually is, and it was one of those old fashioned free trade addresses that one does not often hear now-a-days. Free trade is not so fashionable as it was, and it was an address that would have been worthy of the apostles of free trade, and worthy of Cobden and Bright, it was so unqualified in its tone. Hon. gentlemen will remember what Messrs. Bright and Cobden promised England when they urged her to adopt free trade. They told her that within a few years all the other nations would adopt free trade, and that England would be the workshop of the world. What has been the sequel? I am not going to deliver a protectionist address; I prefer to appeal to facts. What has the United States done? What has France done? What has Germany done? How have these and other countries met England's free trade advances? They met them by rejecting them, and inaugurating a national policy in every case, and it is impossible, I maintain, for a nation to attain to greatness if it limits its industries to what the soil, the sea and the mine produce, and to exchanging these for the more costly, because more highly finished, manufactures of the world, and of which

they require to consume a great deal. If they are content to be the hewers of wood and drawers of water for other nations, they will remain impoverished, and will continue to occupy a low stand in the scale of nations.

HON. MR. POWER—Does the hon. Minister mean to say that the people of England are poorer to-day than the people of those other countries he has mentioned?

HON. SIR DAVID MACPHERSON—I am very glad the hon. gentleman has reminded me of that point. I was very nearly omitting it. I believe that the working classes of England are very poor; that there is a great deal of distress among the laboring classes, and that many more of their operatives are reduced to half time than of the operatives in Canada. Free trade is not now as much believed in by the people of England as it was thirty years ago. Fair trade is making great progress in the public mind, and I can assure hon. gentlemen that it is so, and if they will only read the literature of the day they will find surprising evidence of the fact—evidence that would have surprised them at all events ten years ago.

HON. MR. POWER—If the Minister will excuse me, he has not answered the question I asked. I wanted to know if he wished to leave the impression that the people of England were poorer or worse off than the people of France or Germany.

HON. SIR DAVID MACPHERSON—That is a matter of statistics. I will say this: that I believe those countries are richer than they would have been had they not adopted a national policy, had they not protected their home industries, just as it is with the United States. Will the hon. gentlemen say, for instance, that if the United States had not protected their industries they would have been the wealthy and prosperous people that they are to-day, and that there would have been the wealth in that country that there is now?

HON. MR. POWER—They would have more wealth.

HON. SIR DAVID MACPHERSON—If they had imported all the manufactured goods they required and paid for them with their wheat and fish and timber, do you suppose they would have been the wealthy people that they are to-day? No, certainly not. They may have imposed too high duties; that is not a question which I am going to discuss; but I say the imposition of those duties, the adoption of what we call in this country the national policy, has contributed incalculably to the wealth of the United States. We speak of the free trade measures of Cobden and Bright. They were real protection and intended as protection to the manufactures of England. Their policy was to reduce the cost of everything. England enjoyed great advantages as a manufacturing country, greater than any other country in Europe, and what Bright and Cobden succeeded in bringing about, was a reduction of the cost of the raw materials, including labor, to the lowest point, and they cared no more for the laborer than they did for the other raw materials that went into their manufactures. My hon. friend from Ottawa spoke of increased imports; he said he was astonished that our imports had not fallen off—that it was expected the imports would fall off when the National Policy was adopted.

HON. MR. SCOTT—My hon. friend misunderstood me. I said the natural sequence was that they should have fallen off if we would manufacture in Canada what would otherwise have been imported. I said that the wealth of Canada was due to other causes; notwithstanding the high tariff we bought abroad.

HON. SIR DAVID MACPHERSON—The latest reports shew the imports are diminishing. Many of the articles used in our own manufactures have to be imported and the more active our manufactures are the more of these articles we must import, including machinery. I have a statement here shewing the exports and imports for the periods from 1874 to 1878 inclusive, and from 1879 to 1883 inclusive. They show the imports for each year, giving the total for five years in each case. The statement is as follows:—

Total Exports and Imports for periods from 1874 to 1878 inclusive, and 1879 to 1883 inclusive.

Year.	Tot. Exp'rts.	Tot. Imports.	Grand Total Imports And Exports.
	$	$	$
1874	89,351,928	128,213,582	217,565,510
1875	77,886,979	123,070,283	200,957,262
1876	80,966,435	93,210,346	174,176 781
1877	75,875,393	99,327,962	175,203,355
1878	79,323,667	93,081,787	172,405,454
Total—	403,404,402	536,903,960	940,308,362
1879	71,491,255	81,964,427	153,455,682
1880	87,911,458	86,489,747	174,401,205
1881	98,290,823	105,330,840	203,621,663
1882	102,137,203	119,419,500	221,556,703
1883	98,085,804	132,254,022	230,339,826
Total—	457,916,513	525,458,536	983,375,079

I have the return here for 1884; I will give it if my hon. friend wishes it; but I have given a period of five years in each case.

HON. MR. POWER—What was the difference between the two periods?

HON. SIR DAVID MACPHERSON—About forty millions of dollars. Now, there is one remarkable fact exhibited by this statement; that is that the great volume of trade declined annually under the administration of which my hon. friend was a member, with the exception of the first year.

HON. MR. SCOTT—Hear, hear; no doubt about it.

HON. SIR DAVID MACPHERSON—And the volume of trade increased annually from the time that the people saw fit to remove the hon. gentleman and his friends, and to place my friends in power.

HON. MR. SCOTT—You were born under a lucky star.

HON. SIR DAVID MACPHERSON—It really is a remarkable statement.

HON. MR. SCOTT—I tried to make it plain why it was so.

HON. SIR DAVID MACPHERSON—As my hon. friend says, our administration was formed under a lucky star.

HON. MR. POWER—What about the star this year?

HON. SIR DAVID MACPHERSON—The star last year did not shine so brightly; there was a decline of nearly $23,000,000 compared with the previous year, but the amount exceeded that of any of the years I have named except the two preceding ones. My hon. friend, speaking figuratively the other night, said when the dark cloud which covered this country was lifted that improvement took place and prosperity followed. I think that that might be stated in a somewhat less figurative sense, and that it might be said that the dark cloud was the previous administration, and that when the people saw fit to dispel it, then a brighter light shone upon us, and prosperity burst upon the country. I think if there should be another change, such as my hon. friends opposite no doubt wish for, that even a darker cloud than before would descend; but I do not see any probability of such a cloud descending on the country again. A return was brought down to the House of Commons a few days ago shewing a comparative statement of the imports and exports during the last six months—that is to say from the 1st July, the beginning of the financial year, down to the 31st December. The comparison with the corresponding period of the preceding year shewed a decrease in 1884 of $4,019,067 in value, and a decline in revenue of $805,153. Now, I was curious to see how these arose, and I think the result will go to satisfy my hon. friend from Ottawa that our manufactures are taking the place of imported goods, for I find that the decrease in the duties in the six months from the 1st July to the 31st December, 1884 on cotton goods was $347,109.69, and on hardware $420,737.75, making together $767,847.44, leaving to be accounted for only $37,305.60. I then looked at the imports of wines and spirits. I thought I would find there evidence that the Scott Act had affected the revenue, and I found that it did so. The decrease in revenue from that source was $78,418.32, or $31,112.72 more than sufficient to account for the whole decrease; so that more than the whole decline is accounted for in the decrease of revenue derived from cottons, hardware, and wines and

spirits. The hon. gentleman also spoke of the small increase of population. Well, the population has not increased as fast as we should like to see it—certainly not as fast as the Government would desire to see it—but I do not think we are to blame. The Government put forth all the efforts it could to direct immigration to this country, and those efforts would have been successful if our friends on the opposite side had not to some extent frustrated them. I am not speaking of the gentlemen immediately opposite, but of their organs and those who sympathize with them in the country. I acquit the hon. gentlemen opposite of any intention to injure the country, and I have never seen from any of them any tendency in that objectionable direction; but I speak of the supporters of my hon. friends, and not only their supporters, but also their leaders. They have taken especial pains, one of them in particular, Sir Richard Cartwright, to decry the country, and to send forth statements which, if they were credited, would cause intending immigrants to look upon this country as they would upon a plague-stricken country and avoid it. Anything more unpatriotic I cannot conceive than the policy that has been adopted by a large number of the members of the Opposition and their organs, and, as I have already said, by the leaders of the Opposition—for Mr. Blake is not free from blame in the matter. The course they have pursued is to me altogether unaccountable; because, no matter who is in power, or who is out of power, surely it should be the desire and the aim of every man in the country to do what he can to promote the public interests; but instead of that, these gentlemen have taken an entirely opposite course, especially Sir Richard Cartwright. Under ordinary circumstances a member of the Opposition is looked upon and allowed to be a free lance; but Sir Richard Cartwright cannot be looked upon in that light. He was brought into Parliament in a very special manner. He was not the spontaneous choice of a constituency. On the contrary, the constituency he appealed to rejected him; but he was brought in by Mr. Blake as one whose services were essential to aid him in conducting the affairs of the Opposition, and for that reason he, the leader of the Opposition, must bear the responsibility of Sir Richard Cartwright's unpatriotic utterances to an extent that he would not be expected to bear it in the case of any other of his supporters.

HON. MR. SCOTT—Are they responsible for the falling off of the emigration to the United States? My idea is that we on this continent don't control immigration except to a small extent. Of course I entirely disclaim that my friends are to any extent responsible.

HON. SIR DAVID MACPHERSON—I think our country is a far more attractive field for immigrants than the United States. The agricultural lands of that country are pretty nearly filled, while ours are still very largely unoccupied. The United States however have this great advantage over us; that the immigrants who are there induce their friends to join them in that country; but that advantage will be lessened as our population increases. What I complain of is that Sir Richard Cartwright paints the country almost, as I said before, as a plague striken couutry.

HON. MR. SCOTT—Oh, no.

HON. SIR DAVID MACPHERSON—I do not see how any man intending to emigrate to Canada, reading his speeches and believing them, would come to this country. I have a statement here of the taxation of the country. Hon. gentlemen have read it, I have no doubt, because it is taken from the Finance Minister's statement. It is as follows:—

1874—79		
Receipt from customs excise and stamps		$93,295,770 34
Total receipts..$114,860,495		
" expenditure 119,679,284		
Deficit		4,818,789 00
		$98,114,559 34
Taxation necessary per head of population	($4,021,000)-	$4 88
1879—84.		
Receipts from customs, excise and stamps.....		$124,723,659 84
Total receipts, including lands $157,687,879		
Total expendi're 137,258,154		
Deduct surplus		20,420,725 00
		$104,293,934 84

Taxation necessary per head of population (4,364,800), $4.78¼. Adding the expenditure on surveys chargeable to capital, $1,642,544 95 and the taxation necessary from 1879 to 1884 would still be below $4.88 per head. For the year 1883-84 the receipts of the former country for customs, internal revenue, national bank tax, and fees amounted to $324,085,895.43. The surplus amounted to $57,603,396.09, which, deducted from the total amount of revenue from the sources named, leaves $266,482,499.34. The estimated population is 54,000,000. The necessary taxation per head to meet expenditure and sinking fund was $4 93½. The taxation in Canada necessary to meet the expenditure out of consolidated revenue, including sinking fund for five years from 1879 to 1884 is $4.78½. An important point brought out was, that of the necessary taxation in Canada $1.75 per head is paid to or on account of the several provinces towards local expenses by local legislatures, whereas in the United States the State taxes average thirty-two cents on every $100 real and personal property assessed, or $1.20 per head of the population, making the necessary taxation in the United States $6.13½, against the average necessary taxation in Canada for five years of $4.78½ per head, or for Dominion purposes about $3.03½. The necessary taxation to meet the expenditure of the Dominion for the fiscal year 1883-84, less the sinking fund, was $4.84 per head; and in the United States for the same period, less the Sinking Fund, $4.07, and adding the State taxation thereto—$1.20—making the necessary taxation in the United States $5.27. The estimated United States revenue for 1885-86, less $54,656,000 surplus and sinking fund, is $252,344,000, or $4 58 per head of an estimated population of 50,000,000, and with the $1.20 State tax added makes a total of $5.78 per head. The estimated necessary taxation per head for Canada for the fiscal year 1885-86, less Sinking Fund, based upon a population of $4,800,000 is $4.75 per head.

In regard to the last loan the Finance Minister said: "With reference to the last loan placed on the English market of five millions sterling at 3½ per cent. interest, the minimum amount was 91 but the loan realized £91 1s 8d, or equal to per cent. premium on the fifty year loan at four per cent. That is the highest rate ever obtained for any Canadian loan ever placed on the market. (Cheers.) The loans placed by my hon. predecessor from 1874 to 1878, and the last loan placed by myself on the English market, realize about the same sum at 4 per cent. The fact is they do not realize as good a rate even at 4 per cent. Thirty years' 4 per cent. debentures placed at £90 in 1874 paid at that price £412 6s. per £100 per annum. Thirty years' 4 per cent. debentures placed in 1877 cost Canada £4 11s. 2d. per annum; fifty years' 3½ per cents at £91 gave a rate of interest of £3 18s. 3d, and fifty years' 4 per cent. debentures selling at 102 yield interest at a rate which makes a difference in our favor of nearly ¾ per cent., a saving which, used as a sinking fund, would pay off our entire debt in fifty years. (Cheers.)

I would call special attention to a fact, and it is one as to which my hon. friend from Victoria did not do full justice to the Dominion, when speaking on the subject; that is the large amount of Dominion taxation which goes to defray the expenses of the Local or Provincial Governments and to pay interest on the debts of the provinces. Nothing of the kind is done in the United States. Every state has to pay the whole of its own expenses out of its own revenue. The subsidies to the provinces and the payment of interest on the debts of the provinces form a large portion of the expenditure of the Dominion, as is clearly brought out in the statement on the comparative taxation of the United States and of Canada which I have just submitted.

HON. MR. MACDONALD—I made no allowance for that in my statement. I took the whole amount of revenue and divided it by the population.

HON. SIR DAVID MACPHERSON—The hon. gentleman spoke of the increased expenditure. I have had very little time to extract the facts, but I looked at the per centage cost of collecting the duty on the total imports, and it is as follows:

Year.	Percentage of Duty on Total Value of Goods Entered for Consumption Dutiable and Free.	Amount of Customs Duties Paid per head of Population.	Percentage of Expenses Collection of Customs Revenue.
	Per Cent.	Per Cent.	Per Cent.
1874	11.32	3.93	04.55
1875	12.83	4.19	04.44
1876	13.44	3.44	05.61
1877	13.03	3 39	05.75
1878	14.03	3.46	05.58
1879	16.10	3 50	05 56
1880	19.70	3.83	05.04
1881	20.19	4.25	03.87
1882	19 27	5.02	03.33
1883	18.82	5.26	03 26
1884	18.64	4.53	03.96

I have many more figures here which I could submit to the House, but it is now near the hour of adjournment, and I shall not do it.

HON. MR. HAYTHORNE—I rise to move the adjournment of the debate. Of course at this hour it is impossible to go

on with it. It was adjourned for the convenience of the Government last time, and now in fair play to the Opposition I think it should be adjourned again.

The motion was agreed to and the Senate adjourned a 6 o'clock.

THE SENATE.

Ottawa, Monday, March 9th, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

THE HON. MR. ALEXANDER.

MOTION OF CENSURE.

HON. SIR ALEX. CAMPBELL moved:

That the Honorable George Alexander, a member of this House, on Friday, the 6th of March instant, after being called to order by Mr. Speaker at the instance of the House, having refused to resume his seat in accordance with the 25th rule of the House, and having persisted in using offensive language and in disorderly conduct, is deserving of the censure of the House.

He said: The motion to which I now draw attention is one of a very unusual character. I do not now propose to enter at all into the merits of the motion or into the subject to which it refers, but I think it is desirable, considering the novelty of the position in which the Senate is placed in regard to the matter, to draw the attention of the House to the rule which practice has established in the English Parliament with reference to kindred subjects. That rule is laid down in "May" very closely, and it is also laid down very distinctly by Mr. Bourinot in his work, recently published, on Parliamentary Law. I will read to the House two sections of the latter work:

PUNISHMENT OF MISCONDUCT.—Either House of Parliament has full authority to punish those members who are guilty of contempt towards it, by disorderly or contumacious behaviour, by obstruction of the public business, or by any wilful disobedience of its orders. Any member, so offending, is liable to punishment, whether by censure, by suspension from the service of the House, or by commitment, as the House may adjudge. Suspension is now the mode of punishment freely used in the English House of Commons, under the new orders, which will be found at the end of this chapter. If a member refuse to withdraw when suspended, the Speaker will order him to be removed by the serjeant.

It is usual when a charge of misconduct is made against a member, to hear any explanation which he may have to offer; but "if the House should be of opinion that the offence which the hon. member has committed is flagrant and culpable, and admits of no apology, it will be competent first, without directing him to attend in his place, to order him to be committed to the custody of the serjeant-at-arms." This was done in the English Commons, in the case of Mr. Fergus O'Connor in 1852. Subsequently a petition, stating that he was of unsound mind, was received and referred to a select committee, which reported that the allegations therein were correct, and it was accordingly ordered that he be discharged from custody.

From the foregoing illustrations of the practice of the House of Commons in cases of disorderly language or behaviour, it will be seen that whenever the conduct of a member is under consideration it is his duty to withdraw from the House; but he should at first be allowed an opportunity to explain and to know the nature of the charge against him. For instance, when a member is named by Mr. Speaker for disorderly conduct or language, he will explain and withdraw. In case he persists in remaining, he will be ordered to withdraw, as soon as a motion in reference to his conduct has been proposed. When the charge is contained in the report of a committee, or in certain papers which are read at the Table, the member accused knows to what points he is to direct his explanation, and may, therefore, be heard to those points before any question is moved or stated against him; and in such a case he is to be heard and to withdraw before any question is moved. But, where the question itself is the charge, for any breach of the orders of the House, or for any matter that has arisen in debate, then the charge must be stated, that is, the question must be moved. The member must then be heard, in his explanation or exculpation; and then he is to withdraw. The principle is thus stated by Hatsell: "The member complained of should have notice of the charge, but not of all the arguments." For instance, if a motion be made for a select committee to inquire into the conduct of a member, he will be heard in his place and withdraw.

The statement of a member made in his place in reply to certain charges which appear on the journals, is also frequently given in full on the record, especially in the Canadian Commons. This, however, is only properly done under more recent practice, when the charges are contained in papers laid before the House, and the reply is from a written paper. In Mr. O'Connell's case, in 1883, the speech complained of appears in

full, and then the journals simply record: "Mr. O'Connell having avowed making use of these expressions withdrew." In similar cases, when the charge is contained in a motion, or when words have been taken down, or a complaint has been made of a member's conduct, the journals will simply record the fact that he "explained," or that "he was heard in his place," or that "he made an explanation in the course of which he acknowledged or denied the truth of the allegation."

This is the practice in both Houses of Parliament in England. The charge in this case against a member of this House is made in the motion now in the hands of the Speaker, and without making at present any comments on that motion of any kind I would simply move the resolution.

HON. MR. ALEXANDER—Will the hon. gentleman be kind enough to state a little more definitely the language which I used, and in what respect I transgressed the 25th rule of the House?

HON. SIR ALEX. CAMPBELL—The 25th rule of the House requires a member to take his seat when he is called to order. The Speaker rose to enforce the wishes of the House and called the hon. gentleman to order. The hon. gentleman not only did not obey the order of the chair but continued in a loud voice, calculated and intended by him to overpower the voice of the Speaker, and so continued in his disorderly conduct.

HON. MR. ALEXANDER—I think it quite unnecessary for me to say to this House that ever since I have had the honor of a seat in this Chamber I have always endeavored to show the utmost respect to every member of the Senate, and I have endeavored to show every respect to the Speaker of the House. I do not think that any member of this House, in his recollection of anything that has transpired here since I have had the honor of a seat in the Senate, can recall one instance where I have not shown that respect. If in the opinion of the members of this House I have transgressed any of the rules I am the first to make a full and ample apology to the House. I do not know whether the House will permit me to state that within the last three weeks one has been considerably tried when endeavoring on the floor of this House to check wrong-doing on the part of the members of this House and members of the Government.

HON. SIR ALEX. CAMPBELL—I do not think this is an explanation or apology.

THE SPEAKER—The hon. gentleman must confine his remarks to a retraction of the language, or exculpation of the conduct complained of.

HON. MR. ALEXANDER—I understood the Minister of Justice to say, in reading the views of Mr. Bourinot, who has written a book on constitutional practice, that the member accused shall have full power to make an explanation. Now I want to know why I should have been checked? I want to know why the Minister of Justice should have prevented me from finishing those words which I uttered on Friday? Does he mean to say that I could produce no precedent? I quote here from the House of Commons, in the year 1715 in the reign of George I, when the Earl of Oxford was accused of treason—I ask him to read that debate, and he will see that the member who brought that charge of treason against the Earl of Oxford, never was interfered with by the members of the House of Lords or Commons.

HON. SIR ALEX. CAMPBELL—The hon. gentleman either accidentally or wilfully misunderstands the charge preferred against him. It is not with reference to the language which he used during the discussion upon the Torrens Bill; it is that he persisted in refusing to take his seat when he was called to order by the Chair, and endeavored in a violent and disorderly manner to overbear the voice of the Speaker, when he was calling him to order.

HON. MR. ALEXANDER—I am not permitted to explain in what manner I was endeavoring to discharge my duty to the country. Nothing could have been further from my mind than to break any rule of the House. When I look round I feel that I have the good fortune to possess the respect, esteem and confidence of the

whole House, with the exception of four or five members, and nothing could have been further from my mind than to utter one single word in breach of the rules; but there are members of this House who, I conceive, have interfered with the procedure of Parliament, and have exercised a right which they should not have exercised—they are daily doing so and bringing this House into contempt.

HON. SIR ALEX. CAMPBELL—I rise to a point of order. This is simply a repetition of the offensive remarks and disorderly conduct to which the motion refers. I have tried twice to state the question that is brought before the House by this motion. The hon. gentleman in his explanation or exculpation must confine himself to the question before the House and not wander into debates on the conduct of any member of the Senate.

HON. MR. ALEXANDER—If I am not permitted to make any explanation, I beg to say that if I have transgressed the rules, such is my respect and esteem for the members of this House except five members, that I am always ready to make an apology to all except those members. I do now make an apology for any error of judgment of which I may have been guilty, for it is only an error of judgment. I here openly, before God and man, disclaim that it was my intention to violate the rules of the House. The hon. gentleman dare not charge that it was my intention; and if I have been guilty of an error of judgment I am the first man, as an English gentleman, to make a full and ample apology for anything which I have done.

HON. SIR ALEX. CAMPBELL—I am sorry, after the very serious manner in which the hon. gentleman has put it, to have to say that I believed it was his intention, because immediately after the language was uttered he said in a triumphant tone that he had got out all he had to say, that he knew that he had violated the rules of the House, and he did it in triumph because he had violated the rules. The member who is charged with the accusation having made the explanation or apology, which we all have heard, it will be for the House to say whether they consider that apology or exculpation sufficient or not. It is very difficult to deal in this matter with the hon. gentleman. I will not now go into the merits of the accusation, but it is very difficult to confine him to the exact point of the charge, and very difficult, after he has made his exculpation, to know whether he intends to persist in his disorderly conduct, or whether he really feels that he has not been guilty of it. I should like to hear the expression of opinion of hon. members before deciding on what course should be pursued. If the exculpation which the hon. gentleman has presented to the House is deemed a sufficient excuse for his conduct, then I think it should appear on the journals of the House that he in his place apologized to the House for the disorderly conduct mentioned in the notice of motion, and thereupon the motion was withdrawn. It may be that hon. gentlemen will consider under all the circumstances that that will be the wiser course to pursue. I admit that the inclination of my own mind is in that direction; and he having stated, as I suppose he intended to state, that he regretted his conduct, and having apologized for it as he did, the motion had better be withdrawn, it appearing on the Minutes that this apology and exculpation had been given.

HON. MR. PLUMB—He apologized only to part of the House.

HON. SIR ALEX. CAMPBELL—We must consider that as part of his peculiar idiosyncrasy. I have no right to speak in the name of the other five members. It is his insults to the House, and not to the five members, we are dealing with; and he seems, as far as one can understand him, to apologize to the House for his disorderly conduct on Friday.

HON. MR. BOTSFORD—I concur in the observations made by the hon. Minister of Justice as to the course which ought to be pursued under the peculiar circumstances of the case; but I may say that the apology was no apology at all; it was a reflection on certain members of the House, the very disorderly conduct which he was guilty of in the first instance. Well, I suppose under all the circumstances

that the members of the Senate will on this occasion not proceed any further in the matter, but adopt the suggestions of the Minister of Justice. I must say my impressions are that such conduct cannot be permitted to be continued in this House, and that if on another occasion the hon. member should be guilty of such conduct the Senators, in the performance of their duty as Senators, should take more decided action.

HON. MR. PELLETIER—No member of this hon. House would attempt to defend the conduct of the member for Woodstock, and I am sure everyone in this House would have liked a more ample apology than has been made; still, under the circumstances, as the leader of the House has suggested, the apology having been made, although not in such language as we would like to have it, it would be better to accept it as it is.

HON. SIR ALEX. CAMPBELL—What has taken place will appear on the journals of the House.

THE SPEAKER—Yes.

The motion was thereupon withdrawn.

Hon. MR. DICKEY—I should like to have it clearly understood in what form the entry will be made on the Journals. I think it would not be sufficient to enter the fact of the apology having been made, but it should also appear in the motion made by the hon. Minister of Justice to withdraw his resolution, that the fact of the member from Woodstock having made the apology is the ground for asking leave to withdraw the motion.

HON. SIR ALEX. CAMPBELL—Precisely: that will be done; that was the intention. What I propose should appear in the minutes is that I withdraw my motion on the member apologizing for his having refused to resume his seat in accordance with the twenty-fifth rule of the House, and having persisted in using offensive language and disorderly conduct. The hon. member having apologized for that, I withdraw my motion.

HAMILTON LOAN & PROVIDENT SOCIETY'S BILL.

SECOND READING.

HON. MR. TURNER moved the second reading of Bill (J), "An Act to comprise in one Act a limitation of the share, and loan capital of the Hamilton Provident & Loan Society." He said: I may mention that it is intended to consolidate the existing charters, to limit the capital and to ask power to issue debenture stock.

The motion was agreed to and the Bill was read the second time.

EXPLOSIVE SUBSTANCES BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (K), "An Act respecting explosive substances."

He said: This is a Bill having for its object the endeavoring to prevent as far as possible the new crime which has sprung up admist old countries as well as here, in using dynamite. They have found it necessary in England as well as in several states of the neighboring country to legislate on this subject. I was very glad to observe, on the first alarm in England, that some States in the Union, New York and Vermont among them, immediately proceeded to legislate, or members gave notice of Bills to legislate on this subject, although at that time they had not suffered from such crimes in their own country. The fact that they were ready to legislate, speaks, I think, loudly in favor of the friendly feeling which exists on that side of the line toward the people of England and of this colony. The Bill which is now before the House, is framed on the lines of the English Bill on the same subject. It proposes to make the possession of dynamite a crime, unless the person who has it in possession can establish—and it lays the burden of proof on him—that he has it for a legal purpose. That I think will be a great deterrent, because the people who are intent on the use of explosive substances will be very reluctant to be found with it in their possession, seeing that the burden of establishing why it is in their possession is thrown on them.

If by the use of explosive substances life is lost or property injured, the punishment imposed for the offence is a very serious one; it is either capital punishment or confinement in a penitentiary for life, or for 15 years. It has been suggested to me that it would be a good amendment to the Bill to add to these punishments that the offending party should be liable to be whipped. That also, I have no doubt, in many cases would be a very serious deterrent, perhaps the best, and I think I shall perhaps offer to the committee, when the Bill is before them, an amendment to that effect, In the meantime I think the provisions of the Bill go as far as it is possible to go safely. I was very glad to be able to avail myself of the English provisions on the subject, because in England they are careful in these matters to go very securely and safely, and it is a great source of advantage and security to us in the colonies to be able to follow where they lead in criminal legislation. An hon. gentleman has suggested to me just now that the Bill might be more advantageously considered in a Select Committee than in the whole House; but I am not disposed to concur in that. It is a simple Bill in itself. Any change must be for the purpose of enlarging the offences or the punishment, and it seems to me the example of the English Parliament in this respect would be one which we should follow, rather than increase the number of the offences by enlarging the meaning of them, or increase the punishment, and I should hope that the House will be disposed rather to take the English course and adopt this Bill as it is, with perhaps the amendment I spoke of with reference to punishment in certain cases. I do not think I need explain further on this occasion the objects of the Bill, and I move that it be read the second time.

The motion was agreed to.

THE INDUSTRIES AND MANUFACTURES OF CANADA.

THE DEBATE CONTINUED.

Hon. Mr. HAYTHORNE resumed the adjourned debate on Mr. Macdonald's motion:—

That he will call attention to the Report of the Commission issued by the Government last year to inquire into the effect of the Tariff of 1879, on the Industries and Manufactures of the country, and will ask the Government whether the Report will be furnished to members of the Senate and a certain number to the country.

He said: When the hon. gentlemen introduced this subject I was somewhat of the impression of the hon. gentleman on my left (Mr. Scott) that the proceeding was unusual. I see, however, that some advantages may accrue from it. At all events the views of those who advocate the National Policy, and who wish to put forward in a prominent position the results of that policy before the country had ample oportunity for doing so in this House. The hon. member for British Columbia, at great length, read statements from reports of commissioners which no doubt he intended should go to the country, and he commented on these statements as he went along. He was followed by the Minister of Interior on a subsequent occasion, who addressed himself more to an explanation and to glorify the policy of the Government and its success. I feel myself somewhat at a disadvantage in advocating the opposite course, because I know a large proportion of the members of this House hold views favorable to the National Policy, and that those who think pretty much as I think myself on this subject are a very small minority. I am not, however, to be deterred from expressing my opinions fully and freely on this subject. I only wish I possessed greater ability to put them in an agreeable and succinct form before the House. I protest here, in this House, that if I could be persuaded of the truth of the principle of the National Policy, I would even now desert my old principles of free trade and become an advocate of the National Policy; but the more I have studied that question, the more I look into the history of it in the United States, in Canada and in England the more convinced I am of the correctness of the principle which has made England the great and wealthy country she is at the present moment. I think it fair to say that ten years, or a little less than ten years ago, the question of the day for the Parliament of Canada was whether the deficiencies in

the revenue, which were then occurring, should be met by additional taxation or by a reduction of expenditure. Now there are many reasons why the latter plan should be preferred to the former, and I think myself that the course which Mr. Mackenzie's Government at that time adopted was a statesmanlike and patriotic one for reasons which I shall shortly explain to the House. It seems to me that those hon. gentlemen who were then responsible for the Government of the country had a thorough appreciation of its capabilities, and they had, further than that, a thorough appreciation of the causes which led to the depression of that day and the falling off of the revenue, and knowing as they did that those causes were not internal, not causes arising out of the state of things in Canada itself, but arising out of the state of things in a foreign country, they, in my judgment, very wisely considered those causes would be of a temporary nature and when the reaction came our revenue would resume its former buoyancy, and that they would be saved from the unpleasant and unstatesmanlike plan, I may call it, of increasing taxation in a country like ours. No doubt that was their intention, and I think it was a wise one. It may be well to say a few words as to when and where that depression, perhaps one of the most wide-spread that ever existed in the world of commerce, arose. In my long life-time I recollect no depression so great and universal as that one ; that it arose in the United States,is pretty generally admitted, but its causes I think have been less correctly understood than might be wished. I think a short inquiry into the causes of that depression will tend certainly to an understanding of how it came to affect Canada and all the rest of the world so largely as it did. I am of opinion that the depression which prevailed throughout the United States during those years, especially from 1873 to 1878 and 1879, was the outcome of their great civil war. Of course these things react very remotely indeed ; it takes time before the causes which produce them work out their full affects. The first consequences which ensued in the United States on the restoration of peace were great and unusual prosperity. The nation, unbent from its military ardor, resumed its industries and once more set itself to the creation of wealth, which during the war had been well-nigh destroyed. The resources of the country had been taxed to their extreme power, and even beyond it. They had incurred an enormous debt. They had used up the whole national resources and drawn upon the future to an extent which no other country ever did in so short a time. In addition to this wastefulness, which is the usual effect of war, they had also accumulated a vast floating debt. Of course on the return of peace the first idea which occurred to the holders of these vast sums of irredeemable notes was that something must be done with them ; they must be employed some way or other, and it was not long before means were devised for finding employment for this irredeemable currency. Soon the country was overspread with industrial undertakings of every description and kind, and railway building, mining, manufacturing of all sorts and descriptions, and every imaginable speculation that could be devised was entered into by way of employing this fictitious capital. The consequence was a great influx of population, and for a few years a rapid increase of wealth. The first produce of these enormous manufactories went to supply the great waste which had been caused by the war, and a little later on the great influx of population helped to consume it ; but after a while there was an end of this sort of thing. Production trod too closely on the heels of consumption, and the consumers were not able to use all the manufactured goods from these mills which had been opened all over the country. Then came a time when a market should be found somewhere for these superabundant products. Canada was one of the most ready and most easily accessible and it was the one which suffered most acutely from the excess of American goods brought into the country. I remember the time when this process of getting rid of the surplus supplies of the United States was styled slaughtering in Canada ; and it was thought a great grievance that our manufacturers should be injured by the great influx of American goods. I recollect well that this question was before this House some years ago, and I think it took the form of a motion in which reciprocity of trade or reciprocity of tariffs was laid

down as a principle. I myself disapproved of carrying on a war of hostile tariffs with our neighbors. I believe it would have been injudicious to do so; but it has been a matter of astonishment to me that the advocates of protection to native industry in the United States and its advocates in Canada have given totally different accounts of their proceedings. The manufacturing in the United States was represented for many years as a magnificent success, and Canada was invited to imitate them. But what was really the case? It was just simply on a large national scale what we have often seen here in the warehouses of Ottawa—sales of bankrupt goods, goods which must be disposed of somewhere to the highest bidder. Goods manufactured in the United States found their way to England and were sold there for lower prices than the same quality and description of goods usually command there. We were told with a triumphant air that America was underselling England in her own markets. Now that was a complete misrepresentation of the fact. What America was really doing was sacrificing her surplus products which she could not sell at home or anywhere else in the markets of the world because they were produced at too great expense at home. They were sold in the English market where the English people, who are always pretty well supplied with money, were willing to buy anything out of which they could make a profit. Now this is the cause of the depression which prevailed in Canada during the time of Mr. Mackenzie; and I cannot say on reviewing his course of conduct on this question as well as upon others that I am at all disposed to consider that he acted injudiciously or in an unstatesmanlike way. On the contrary, in my judgment, he deserved and should have gained the approval of the whole of this community for the firmness with which he acted on that occasion. He fully understood the resources of the country, and was not to be induced to diverge from the course which he and his colleagues had laid down for themselves, by any fear of future consequences. As I have said, he understood perfectly well that the difficulty which Canada labored under at that time was not from internal causes, but a difficulty which came on her from abroad, and which disappeared as soon as the occasion ceased. I have before, I think during the present session, stated in my place in this House, that the progress of a country such as Canada should be uniform, and if that progress is broken it is not difficult to ascertain the cause. It has frequently happened from deficiency of harvests, and from the causes which I have indicated, but these are almost invariably temporary causes, and the ordinary and normal state of a colony such as this, is one of constant and steady progress, and if depression is permanent it must be from indifferent statesmanship and not from any deficiency in the resources of the country. I therefore consider that the Administration which succeeded Mr. Mackenzie's would have acted more wisely if, instead of adopting the National Policy, they had simply allowed the tariff to remain pretty nearly where it was. They would have found that the revenue would have very soon recouped itself and paid for the deficit which they inherited—a very small one it is true, but still a deficit—and they would have been relieved from the difficulty in which the country finds itself. We now labor under a very onerous customs' tariff, and at the same time we find that the employment of our people under the National Policy has not been permanent, as the members of the Government led the people to suppose it would be. It has been anything else but that, and the hon. gentleman who spoke on the other side of the House, the Minister of the Interior, tried to make a point of the great success of this National Policy; but he failed to answer my hon. friend, the leader of the Opposition, who pointed out that the greatest proof of the present failing position of many industries —of the cotton manufactures in particular —in Canada was indicated by the fall in value of their stocks. The Minister of the Interior asserted on his part that the manufacturers were simply suspending work from ordinary causes, that such suspensions were necessary and occurred independently of the general state of the market. But he did not attempt to reply to the statement which has been put forward by my hon. friend the leader of the Opposition, that the cotton stocks of Canada were offered at a very considerable discount, and when he asserted that no holder of cotton stocks would hesitate to accept

par for his stock at the present moment, my hon. friend opposite did not venture to assert that he was wrong in his assertions. I believe myself that he is perfectly correct. It is just what was anticipated by us at the time the National Policy was adopted. We knew very well that when the Government undertook to stimulate the investment of capital in these enterprises that that would happen, which has happened both in Canada and in the United States. When the Government puts a premium on the employment of capital in any particular line of business, it is pretty certain that capital will rush into that line of enterprise without any discretion or hesitation. The first comers get large profits, but the very largeness of the success of their investment at first induces others to follow their example, and of course the investment of this money in buildings and machinery and wages does for a time cause a considerable degree of prosperity. It is not a genuine prosperity, but still it passes for such and is, by some, believed to be an indication of the success of the policy of the Government when they have really induced capital to employ itself in such enterprises that if left to itself it would long hesitate to embark in. I consider that the people who become capitalists by their own industry and by their own economy are very well able to employ their capital in a way that is most advantageous and secure for themselves, but acting as the Government have done in the establishment of this National Policy, they have aimed a blow at this sound principle which capitalists so well understand. The hon. gentleman congratulated the country too on the great employment of labor. Well, if such employmen were permanent, and the result of capital invested without special protection, I for one could rejoice in it. I should say there is nothing that a nation should be more proud of than to see the enterprise of its citizens embarking in self-sustaining industries, and succeeding in those industries. The laborer so supported may be considered permanently supported, and not subject to that very embarrassing process of being employed at one period on full time, and at another period only on half time, or not at all. I do not think anything can be more injurious to the prospects of the country than this uncertainty of labor—particularly such labor as is employed in the manufacture of textiles, that is the labor of women and young children. This manufacturing industry has this objection under all circumstances, whether under the National Policy or under any other policy, that it abstracts from other occupations labor which would be employed there. Now, the proper occupation of the operatives—the great bulk of those in a cotton factory—at that time of life should be educational ; and to take young children who are employed there, and work them on full time in those manufacturies, is doing them a permanent injury, and a still further injury if they are led to depend on that industry for their support. They acquire expensive habits and they acquire tastes altogether different from what they would have had if they had lived under the parental roof, and they become unfitted for any other industry. I have visited cotton factories, and have bestowed some attention on the Factory Laws of the United Kingdom, and I know myself the effect of the factory system on women and young children is very injurious indeed, and when the proper time comes no doubt I shall discuss that matter more fully. I do not think, at the present time, the Government are entitled to claim any great degree of success in the employnent of labor in those factories. The hon. gentleman claims that many mechanics were employed in them at very high wages. No doubt some have been employed, and some of them are Canadians ; but my impression is that a large number of first-class mechanics who have been charged with the running, and with the setting up of the cotton machinery have been imported—they are not Canadians ; they are Englishmen. I was, a year ago, I think, at Moncton, and when there paid a visit to a new factory which was then nearly ready to be opened. There I saw some of the most exquisitely beautiful machinery that it is possible to find, but the mechanics who were setting it up were Englishmen and not Canadians, and therefore the claim which the hon. gentleman makes of the employment of a large number of our mechanics at high wages in those factories as the result of the National Policy must be taken with some

degree of qualification. I think the hon. gentleman attached considerable importance to our manufacturing at home a large quantity of goods, which if they had not been so manufactured at home must have been imported, and consequently that the sending out of a vast sum of money was saved to the country. I doubt very much myself if anything has been gained in that way. We may have manufactured a large quantity of goods of different descriptions in Canada, but it is very questionable whether they were manufactured at an advantage—in fact my own impression is that those goods have been manufactured at a higher price, and that they are more costly goods to the country at large than if we had imported them. It must be recollected, in the first place, that we went to great expense to enable us to manufacture those goods at all; then we went to a further expense for the raw material, and we diverted our capital from pursuits which were profitable to other pursuits which are not profitable. When I say they are not profitable, I think I do so with reason, because a year ago no man could walk through the streets of this city or of Montreal or of Toronto without seeing at every salesman's door piles of cotton goods for which no market could be found, and we know it is not a matter of doubt but of notoriety that throughout Canada in the early part of last year—say from about now until well on in the summer—the cotton market in Canada was glutted. The difficulty was to know how cotton goods were to be disposed of, and we know that a suggestion was made in the press that those goods should be sent home to England and a similar process should be adopted with them here that the United States goods were submitted to in Canada a few years before—and slaughter them in the English market. I ask hon gentlemen where would have been the difference if we had sent this cotton surplus home to England and slaughtered the goods there or disposed of them at a loss at home? That they have been disposed of yet is a question on which there is considerable doubt, because even while I have been here in Ottawa I have heard it gravely proposed that the Canadian surplus of cottons should be exported to the Old Country to be printed and re-imported into Canada, of course paying some low rate of duty on entrance. I find that that proposal has been rejected. It shows, however, the incapacity of the country at this time to manufacture cottons at a profit.

HON. SIR ALEX. CAMPBELL—The proposal is under consideration.

HON. MR. HAYTHORNE—It shows how impossible it is to carry on the manufacture of textile fabrics beyond a point which capital would discover for itself. Before the National Policy we had cotton factories in Canada, but I have never heard that they experienced such vicissitudes in the value of stocks as we have seen within the last two or three years. They may have made smaller profits throughout, but those profits were genuine.

HON. SIR DAVID MACPHERSON—There were few factories in Canada before the National Policy was adopted.

HON. MR. HAYTHORNE—There were not so many, and although their profits may have been smaller, they were less subject to vicissitudes than they are now, and I have said their profits were genuine, the natural results of capital employing itself in an industry in which they knew it would be successful. But hon. gentlemen now say to manufacturers: "do not concern yourselves about the success of your enterprises; leave that to us, we will protect you; such an amount of duty shall be charged in our tariff that you shall not be troubled with competition. You build the manufactory, get in the machinery and raw material, and we will see that you have no losses." But the hon. gentlemen did not anticipate that there would be such an amount of cotton spinning done in Canada. Capitalists were too greedy, and the consequence is that piles of unsold cotton goods are to be found in every city in the Dominion—at least it was so last year, and what has become of them since I cannot pretend to say. I think it may be fairly said in reply to the Hon. Minister of the Interior who congratulated himself upon the large sum of money which the Government had prevented from finding its way out of Canada to pay for

those goods which were manufactured at home, or would otherwise have been imported, that Canada could have very well earned the money to supply herself with cotton or other goods by other means that experience has taught us are profitable, and are suitable to the requirements and capacity of the people, and would tend to leave them better off than they now are. It has been asked by the hon. gentleman: "Has not our agricultural industry developed very largely under the National Policy?" It is true that during the Mackenzie regime we had not invariably good harvests; we had some good and some bad, but the great stimulus that agriculture has received since 1879, has been owing to the establishment of the cattle trade, and the bad harvests in England. It seems to me that hon. gentlemen lacked confidence in the resources of their country when they established this National Policy. It was not so with their predecessors. The Mackenzie Government felt confident in the future of Canada, and in the ability of Canada to save herself if the time was given to do so. These periods of depression, painful as they are while they last, sometimes come to a sudden conclusion, and I think it is a very profitable inquiry for us and for any nation that has been suffering from them, to ascertain the cause, and the occasion when the depression begins to cease. What was a great evil to several countries of Europe in 1879, was a great advantage to the United States and Canada. They had particularly bad harvests in England and Ireland during that year, and in several countries in Europe. It became evident in an early period in the summer, and it also became evident that America would be able to supply the deficiency, and it at once raised the prospects of the Western States, and enabled those States to proceed with their interrupted improvements. Unfinished railways at once started to completion; abandoned railways were taken up and continued in order that the remotest parts of the country producing wheat and other kinds of grain available in the European markets, should be reached; and at once, as if by magic, there arose a demand for the products of this country. The timber in Ottawa and other lumbering districts in Canada disappeared as if by magic owing to the constant demands for railway purposes, and all those collateral uses which occur when a railway is being carried through a country. What was the secret of the depression? It is quite possible that the present depression may disappear as suddenly, and it is to be hoped through no worse causes. The hon. gentleman congratulated himself on the increased number of accounts in the savings bank. No doubt it is an encouraging thing for a Government to see that the population of a country, whether it be the laboring population, the well-to-do population, or a commercial population are so well disposed to trust them with their money; but I think it would be a great error to say that the large sums deposited in the savings bank in some of the provinces of the Dominion, at all events, were the savings of the laboring classes. In my province, I can say pretty confidently that those deposits were made by individuals, many of them far above the laboring classes. They were deposited by persons who had been in the habit, perhaps, formerly of making deposits in banks, but the banks had lost the confidence of the community, and their rates of interest were small, and the risks which depositors ran were evidently considered, and under those circumstances people naturally preferred the savings bank, and that, I think, accounts for a very large number of the deposits. The hon. gentleman spoke of the fairness of the National Policy. I have never been able to see the thing in that light. It seems to me it is rather the contrary The burden which it imposes falls to a great extent on the agricultural interest, which is on the whole a prosperous interest, one which is probably throughout the Dominion slowly but steadily amassing wealth, but at the same time one which does not take all the care of its own interest which it ought to do. It perhaps bestows too little care and attention on political subjects, and does not make very close or searching inquiries into the sources from which taxes are derived, or the modes of their application. I should like just to read to the hon. gentleman a passage from Justin McCarthy's history, which I have no doubt he may be acquainted with, but perhaps some other hon. gentlemen may not be. He is a well recognized historian, and not only

from his agreeable manner, but for his insight into the resources of our country, his writings are worthy of perusal. Speaking of Mr. Gladstone's career he says :—

"Mr. Gladstone grew slowly into Liberal convictions. At the time when he joined the Coalition Ministry he was still regarded as one who had scarcely left the camp of Toryism, and who had only joined that ministry because it was a coalition. Years after, he was applied to by the late Lord Derby to join a ministry formed by him, and it was not supposed that there was anything unreasonable in the proposition. The first impulse toward Liberal principles was given to his mind, probably, by his change with his leader from Protection to Free Trade. When a man like Gladstone saw that his traditional principles and those of his party had broken down in any one direction, it was but natural that he should begin to question their endurance in other directions. The whole fabric of belief was built up together. Gladstone's was a mind of that order that sees a principle in everything, and must, to adopt the phrase of a great preacher, make the ploughing as much a part of the religious duty as the praying. The interest of religion seemed to him bound up with the creed of Conservatism; the principles of Protection must, probably, at one time have seemed a part of the whole creed of which one article was as sacred as another. His intellect and his principles, however, found themselves compelled to follow the guidance of his leader in the matter of free trade; and when inquiry thus began it was not very likely soon to stop. He must have seen how much the working of such a principle as that of Protection became a class interest in England, and how impossible it would have been for it to continue long in existence under an extended and a popular suffrage. In other countries the fallacy of Protection did not show itself so glaringly in the eyes of the poorer classes, for in other countries it was not the staple food of the population that became the principle object of a protective duty. But in England, the bread on which the poorest had to live was made to pay a tax for the benefit of landlords and farmers. As long as one believed this to be a necessary condition of a great unquestionable creed, it was easy for a young statesman to reconcile himself to it. It might bear cruelly on individuals, or even multitudes; but so would the law of gravitation, as Mill has remarked, bear harshly on the best of men when it dashed him down from a height and broke his bones. It would be idle to question the existence of the law on that account; or to disbelieve the whole teaching of the physical science which explains its movements. But when Mr. Gladstone came to be convinced that there was no such law as the Protection principle at all, that it was a mere sham, that to believe in it was to be guilty of an economic heresy—then it was impossible for him not to begin questioning the genuineness of the whole system of political thought of which it formed but a part."

I think these remarks are worthy of the attention of hon. gentlemen of this House. When the hon. Minister of the Interior spoke of the fairness of the National Policy I think, perhaps, he forgot for the moment the amount of duty which he levies on the implements of the agriculturists. Surely that particular class of the people of Canada who bear the principal burden of taxation, and who contribute the largest portion of its exports should receive so much consideration from the Government that the tools with which they work should be rendered as cheap as possible instead of making them bear 35 per cent., and rendering them that much dearer than they would be if free from that duty.

HON. SIR DAVID MACPHERSON—In the North West agricultural implements are cheaper than they are in the adjoining States.

HON. MR. HAYTHORNE—I have heard the hon. gentleman make that statement before, and I think I may meet him in this way : that it is another case where capitalists over-reach themselves through their own greed. They wanted to make too much money ; they wanted to make tremendous sales of implements out there, and they sent out rather more than the market required. The consequence was the market was glutted, and rather than bring their goods back the manufacturers sold them out there, and sold them at a loss.

HON. MR. PLUMB—They are doing so still.

HON. MR. HAYTHORNE—I could tell the hon. gentleman of one particular implement used in my province which requires steel plates imported from England, and I am informed that before a file or hammer can be put on those plates they have to pay 12½ per cent. duty, and of course when they are finished the farmer has to pay so much more for them. Another instance of the fairness, according to the hon. gentleman's contention, of the National Policy is the way in which it operates against the English people. According to his own principles Canada ought to admit

English manufactures free. Does not England admit our products free to her market, and does not the hon. gentleman's idea of reciprocity lead him to practice the same policy towards her? We have heard enough of jug-handled free trade, which was stated to mean one-sided free trade, where the duties were imposed all on one side, while on the other side there were none. Is not that the case with England? England admits our grain and cattle, fish and timber, and pretty nearly everything we have, duty free.

HON. SIR DAVID MACPHERSON—On the same condition as she admits foreign goods.

HON. MR. HAYTHORNE—That policy is a strange kind of fairness to my mind. I do not desire to exhaust myself entirely in reply to the hon. gentleman, because I wish to make a few remarks particularly in regard to the statement of the hon. gentleman from British Columbia who introduced this discussion, and I may say with regard to the report of the Commission which appeared at such length in our journals, that I do not intend to offer any comments on it. I have under my hand the means of replying to that report, but I abstain from using those statements simply because they are open to the same objection as the report of the Government's Commission—precisely the same objection—they are *ex parte* statements.

Now it seems to me that if the Government had really wished to throw light on the manufacturing resources of the country, and to exhibit them before Canada and all the world in a just and equitable manner, that they would have adopted a different course to the one which they did adopt. I do not know the commissioners personally, but I will assume them to be competent men, but still party men appointed by Government for a special purpose; and to that extent they are open to the objection that their report will be made in such a manner as will please the Government. At all events it cannot be denied that their operations were carried on in this way—that the witnesses who were brought before them were not subject to cross-examination. In my opinion the course which the Government should have adopted, if they wished to do it in a way which would have insured public confidence, would have been to have moved for a committee of Parliament, before whom witnesses could have been examined. A select committee of the House of Commons or of the Senate, or a joint committee of the two Houses, might have dealt with this subject in a manner which could not have produced controversy afterwards. If a witness were brought before such a commission to state that manufactures in any town were in a prosperous condition, and gave testimony to that effect, he would be subject to cross-examination himself, and his evidence would be subject to rebuttal by other witnesses who would be called on the other side; and it seems to me that was the proper and natural course to have followed in this instance. Now, I have under my hand here statements which appeared in the press—the press devoted to the party opposed to the Government. I do not use them, for the same reason that I object to the report of the commissioners, because they are *ex parte* and ought not to be relied on simply because they have not been subject to hostile criticism. The report of the Commission is open to the same objections, and it does not deserve, I say it roundly, the confidence of the country. The hon. gentleman from British Columbia made some statements which I heard with considerable regret. I do not think that he undertook to assert the actual falsity of free trade principles; but he said, if my memory serves me rightly, that free trade to be successful must be carried on under the principles of reciprocity; that is to say that it would not be carried on with advantage by any country with another unless that other country reciprocated with the first one by admitting its manufactures on similar terms. Now that is a fallacy. The experience of England and of free traders has been that free trade itself with free importations of raw materials is the best means of meeting a hostile tariff. It has been a dictum of Sir Robert Peel and Mr. Disraeli, that the best remedy for hostile tariffs is free imports; but it would be incorrect to say, as I am not sure, but as I rather think the hon. gentleman said, that promises were made by those who introduced free trade into the British Parliament, that it would be accepted by other

nations. Now such is not the case I have here the words of Sir Robert Peel.

Hon. Sir ALEX. CAMPBELL - That was certainly the prophecy of Cobden and Bright.

Hon. Mr. HAYTHORNE—Allow me to remind the hon. gentleman that Cobden and Bright were not responsible to the government of the country.

Hon. Sir ALEX. CAMPBELL—But they were the advocates of free trade.

Hon. Mr. HAYTHORNE—But they were the agitators at that time. I have here Sir Robert Peel's words spoken in 1846 when he was introducing a further reduction of the duties imposed by the English tariff ; he had, four years previous to that, made some very extensive changes and he was able at the end of that period, to speak with confidence of the result and to invite the English Parliament to proceed in the same path that he had begun tentatively. These are the words, and I beg the hon. gentleman to lay them to heart ; they were the words of a great statesman spoken with deliberation, and have been borne out by the result :—

I fairly avow to you that in making this great reduction (from protective duties on agriculture, on manufactures and on every description of produce) on the import of articles the produce and manufacture of foreign countries, I have no guarantee to give you that other countries will immediately follow our example.

Wearied with our long and unavailing efforts to enter into satisfactory commercial treaties with other nations, we have resolved at length to consult our own interests, and not to punish those other countries for the wrong they do us in continuing their high duties upon the importation of our products and manufactures. We have had no communication with any foreign government upon the subject of these reductions. We cannot promise that France will immediately make a corresponding reduction in her tariff.

We cannot promise that Russia will prove her gratitude to us for the reduction of duty on her tallow by diminution of her duties. You may therefore ask, why this superfluous liberality, that you are going to do away with all these duties, and yet you expect nothing in return. I may perhaps be told—and truly—that many foreign countries which have benefitted by our relaxations have actually applied to the importation of British goods higher rates of duty than formerly. I give you the benefit of that argument, and I rely upon that fact as a conclusive proof of the policy of the course we are pursuing.

But what has been the result upon the amount of your export trade? It has generally increased.

Whatever be the tariff of foreign countries—however apparent the ingratitude with which they have treated you, your export trade has been constantly increasing. By the remission of your duties upon the raw material, by inciting your skill and industry—by competition with foreign goods, you have defied your competitors in foreign markets, and you have been even able to exclude them. Notwithstanding their hostile tariffs, the declared value of British exports have increased above ten millions stg. during the period which has elapsed since the relaxation of duties on your part. I say therefore to you that these hostile tariffs, so far from being an objection to continuing your policy—are an argument in its favor.

I think that is a very conclusive answer to the argument that England went into free trade under the expectation that foreign nations would very soon adopt a similar course. The hon. gentleman from British Columbia made some statements and some comparisons with regard to the state of the English tariff and the tariff of certain other European nations. Well I thought when the hon. gentleman was speaking that he had a very inadequate appreciation of the wealth and power which had accumulated in England during the years of free trade ; that the instances which he brought as illustrative of lower tariffs and the different state of circumstances in Europe were very inadequate. To compare for instance such countries as France, Austro-Hungary and Russia with England is simply to compare very small things with very great things. These countries may be of larger extent and possess most valuable resources, but to compare their wealth, their energy, or their success with the success of England is I think a very great error.

Hon. Mr. KAULBACH—What do you say with regard to Germany and France?

Hon. Mr. HAYTHORNE—What I say with regard to France is this : she differs from England in one particular and a most important one—that whereas in England her population has been steadily increasing year after year—since 1842 it

has increased some 10,000,000 or thereabouts—France with difficulty maintains her own. Her population scarcely increases at all, and her trade we know, her shipping especially, of late years has to be supported by a bounty, and we know she has to go to England to supply herself when she wants an extra good vessel—when she wants a packet for instance she has to go to the Clyde for it. I can give an instance of that kind myself, how a vessel which had done ten years service in Prince Edward Island, at the end of that time—the company having been incorporated for ten years only—was sold, at a reduction it is true, but sold not to England but to France.

HON. MR. MACDONALD—The hon. gentleman has mistaken my comparison; I was not comparing the wealth of those countries but the taxation.

HON. MR. HAYTHORNE—It may be that those nations have found by experience that making additions to their tariff, putting on higher rates, perhaps has the effect of reducing the proceeds. They have perhaps gone just about as far as they dare go and no further. Now take for instance Austro-Hungary, and what do we find? If I look at her resources I cannot help being struck with admiration at their variety and extent; but when I look at her revenue I am struck with surprise that so great a country should submit year after year to a deficit. She had a gross revenue in 1882 of £75,012,300, and a gross expenditure of £81,395,626, and the deficit—a chronic deficit—was £6,383,326. Looking at previous years I find no material difference either in the revenue, or in the expenditure, or in the deficit. Now to compare a country such as that with England is I think inappropriate. How are we to ascertain whether a country is progressing or is not, whether she is getting richer or getting poorer, or whether the fiscal system which she has adopted after trying another fiscal system is a proper one? How are we to ascertain ultimately whether she is getting richer or poorer? Fortunately in the case of England we have that means, and we can fairly argue that the system of free trade under which her great wealth has accumulated cannot be a bad system. It may not be all that its promoters desire it, but if the wealth of a nation has increased to an enormous extent under it, and if that increase has been steady and has prevaded all classes of the community, then I say we have the strongest possible presumptive evidence that the system under which that progress has been made is a good one, and one which other nations should adopt.

HON. MR. KAULBACH—Her wealth was made up under protection.

HON. MR. HAYTHORNE—The hone gentleman says her wealth was made up under protection. Some people might think it a misfortune, but nevertheless I am some years older than the hon. gentleman, and I have a pretty extensive experience of what England was in the first twenty-five years of my life. I remember then when the whole laboring community was in a state of very general poverty. But I am not going to bring my experience to support a statement of that sort. I am going to bring the experience of others. I shall quote the income tax returns from the time of its first imposition until the present day, and I shall show you that they have been steadily and wonderfully on the increase. Now, that could not be the case unless the country was becoming every year more wealthy. It is one of the things that has surprised foreigners, and I wish it had surprised the colonies a little more, because they might have laid to heart the effect, and governed themselves accordingly and tried to go and do likewise. I have here a work by Mr. Mallock, called "Property and Progress." The figures which he makes use of he states in a note to be the result of the labors of four well known statisticians, Mr. Giffen, Mr. Mulhall, Mr. Dudley Baxter, and Prof. Leone Levi, and he states as a proof of their general accuracy that these gentlemen arrived independently at the results, which did not vary in one case more than one per cent., and in another case not more than two per cent.; and this he gives as proof of their general accuracy. In fact their general accuracy is not disputed. No doubt these gentlemen came to the conclusion, after deliberate study, that the gross income of the English nation in 1843

was in round numbers £515,000,000, that in 1851 it was £616,000,000; in 1864 £814,000,000, and since 1880 it has reached or perhaps somewhat exceeded £1,200,000,000. Then the amount that was assessed for income tax in 1842—that is of all incomes above £150 a year—amounted to £280,000,000. In 1851 it was about the same figure—the country had at that period gone through a heavy ordeal. The famine and pestilence in Ireland had caused considerable falling off in the population, until, in 1851, the people had little if at all exceeded the former period, and the wealth of the country had been seriously interfered with by the large importation of food. Still the income tax in 1851 yielded about the same figure. In 1864 it had risen to £370,000,000 and in 1880 it was about £577,000,000. Now I think hon. gentlemen must admit that a country whose annual income had increased at this rapid rate could not be an ill-governed country—could not be suffering very acutely under the disadvantages of a tariff. If there were any circumstances which affected its wealth surely it did not affect it very materially when such a vast sum could be amassed and spread through the whole country. I know some men may say that during this period too much of that wealth was accumulating in the hands of a very few—that while the rich were becoming richer the poor were becoming poorer. Let us see how this writer deals with that point.

HON. SIR DAVID MACPHERSON—The hon. gentleman is well aware I have no doubt that the accuracy of the income tax returns is very seriously questioned in England; that it is well known the manufacturers and others, fearing the effect on their credits of stating what small profits they make, make the returns larger than they actually are.

HON. MR. HAYTHORNE—I am aware that it is alleged to be so; but I can meet that fact by another; and that is that many persons are charged income tax to which they are not liable, and that the expense and trouble of getting their cases tried and getting justice done them are so great and attended by so many difficulties that they prefer rather to submit to the infliction and pay the tax. I think hon. gentlemen may fairly put my statement against the hon. gentleman's. I do not say his statement is incorrect. I have seen it myself in the papers; but it is an utter impossibility that any very large or serious amount as compared with such totals as I have read to the House can actually exist.

HON. SIR DAVID MACPHERSON—I am sure the hon. gentleman will not deny that profits have diminished enormously in England.

HON. MR. HAYTHORNE—What is my reason for taking returns spread over so long a period as from 1842 to 1885? Why simply this, because during these periods you must expect vicissitudes to happen. I have no doubt if we look into the history of the times we would find quite a number of crises have occurred in England from one cause or another, and it is to the general progress we must look. If we find a country always getting more wealthy we will say that country is not suffering from any great difficulty at all events; but if we find it decaying, or its population diminishing—if we find the laborer not enjoying the usual amount of the necessaries and comforts of life, then we may fairly say that that country is decaying. But can you say that of England? Is it fair to say that we dare not adopt free trade in Canada because it has failed in England? I only wish to Heaven that Canada could go on as steadily and securely as England has in the last forty years.

HON. MR. KAULBACH—The money itself would treble itself in interest in that time.

HON. SIR DAVID MACPHERSON—The hon. gentleman will admit that all the predictions of the free trade apostles have been falsified.

HON MR. HAYTHORNE—Not at all. I have read an extract from Sir Robert Peel's speech when he introduced it, which certainly would not have led anyone to suppose that he was adopting it in the hope that France or Russia or any other continental countries would adopt it.

HON. SIR DAVID MACPHERSON—What did Cobden and Bright say?

HON. MR. HAYTHORNE—They were not Ministers of the Crown; they were agitators.

HON. SIR DAVID MACPHERSON—They moved the Ministers of the Crown.

HON. MR. HAYTHORNE—Cobden and Bright stood in the same relation to Sir Robert Peel at that time that the hon. gentleman himself stood in towards the late Government when he occupied a seat on this side of the House in 1875, and I appeal to hon. gentlemen who recollect the debates of the House at that time whether the hon. gentleman's language was always exceedingly temperate when he expressed his relations with Mr. Mackenzie's Government. I think the hon. gentleman from British Columbia, who has been spending a summer in England, has been captivated by the doctrines of Messrs. George and Hyndman; they affirm that the tendency of modern times has been to leave the poor poorer and to make the rich richer. This proposition of theirs has been met, and in my judgment successfully, by a writer named Mallock, who demonstrates, in the book I hold in my hand, that in the 41 years between 1842—the year when the income tax was imposed—and 1883, not only had the wealth of Great Britain increased enormously, but that wealth had been distributed with great regularity both amongst those classes with incomes above, and those with incomes below £150 per annum. The object is to show that the men with incomes less than £150 are enjoying more of the necessaries and comforts of life in every way than they did in 1843 and before that; by deducting the amount chargeable to income tax, the amount of incomes above £150 a year, from the amount of the sum total of the national income, we have for the remainder a sum which belongs to the laboring classes, or parties who earn less than £150 a year. Dividing that amount by the number of families in the country we arrive at the income of each family. It is given here in 1843 at £40 per annum; in 1851, £58; and at the present time it has reached between £95 and £100; that is to say the incomes of those who earn less than £150 a year have increased in the last 40 years 130 per cent. It demonstrates the state of England and shows that the country has improved in all respects; not merely that the rich have become richer, but that the incomes of the classes earning less than £150 a year have also increased with the wealth of the country. I would now read an extract which I have made from a speech delivered by Mr. Bright on this subject about two years ago in Glasgow, where he was a guest on some occasion. He was giving his life-long experience as to the improved condition of the laboring classes.

"It must be admitted that if we go back for the last fifty years, we shall find that the condition of our people at home has greatly improved. Labor is becoming more constant, more steady and more highly remunerated all over the country. In all our great manufacturies in England—and I doubt not it is the same in Scotland to a large extent, in almost all our agricultural districts in England—there has been a steady and a very considerable advance in wages. The food eaten by the people is more abundant, more cheap, more healthful. Their clothing is more comfortable, healthy and becoming. Of their education I need scarcely speak. In Scotland you are more familiar with the question than we have been in England. But in England during the last twelve years, the efforts that have been made have been stupendous! I believe that during that time they have never been exceeded in any age, or in any part of of the world. I, who have as good a means of knowing as any other man in the country, make bold to say that the condition of the people of Great Britain is now, in every respect, greatly better than it was forty or fifty years ago; and that all our institutions that are worth considering rest on a more solid foundation than they did during my youthful days."

Now, there is the opinion of one of the first statesmen of the age, a phlilanthropic man, and one who has been all his life long brought into close contact with the laboring classes, and who must therefore be acquainted with their condition. I have here another extract which goes to prove the enjoyment by the laboring classes of the luxuries as well as the necessaries of life. I have here a table compiled showing the increased quantity of the principal necessaries of life consumed in England from 1843 to 1880. I am not going to trouble the House at any great length. I shall just state a few de-

tails, and one particularly which was alluded to by the hon. gentleman from British Columbia: that is to say, tea. He spoke of the hardship of putting a tax of six pence a pound on tea. I have read a speech delivered by Mr. Gladstone in which he expressed great regret that he was still obliged to tax tea; but a revenue must be had somewhere, and it was perhaps a fair thing to expect that the laboring classes who enjoy so many advantages under the existing free trade system of England should contribute somewhat to the revenue as well. Mr. Gladstone reminded his audience that in his young days the duty on tea had been four shillings a pound. I remember perfectly well these high taxes. The rate has since been reduced from time to time until six pence a pound appears to be the duty. In 1840 the consumption of sugars in Great Britain was 15.20 pounds per head of the population; in 1882 it was 62.10. In 1840 the consumption of tea per head was 1.25, and in 1882 it was 4.07 pounds. There was that vast increase in these and other articles consumed in the country which are used also pretty much in the same way. There are many necessaries of life worth noticing. Rice for instance: in 1840 there was but nine-tenths of a pound per head consumed; in 1882 it was 13.49 pounds. I have here before me other articles with which I need scarcely trouble the House; but the statement shows that there was less cotton and more wool consumed in the country itself in 1882 than in 1843. Now all these things go to prove most conclusively—and it is impossible to deny them—not only that the country has grown richer under free trade, but that riches have been disseminated throughout the country; not merely have they gone to enrich a class, such as wealthy manufacturers or rich owners of lands, by creating a fictitious demand for their properties, but they have circulated amongst the laboring classes and have done their work amongst them. The extract which I have just read from Mr. Bright's speech, shows the extent to which education has advanced amongst the laboring classes. It will enable them in future to use their earnings with a great deal more discretion than in the past. When our laboring classes were unhappily illiterate their tastes and occupations led them to expend the larger part of what they earned in a senseless manner. They were extravagant in everything. When we think of this we regret it, but that regret is qualified by a knowledge of the fact that the generation now growing up are developing better habits and more cultivated tastes than their predecessors.

The claim has always been set up on behalf of the Government that their favored and applauded scheme, the National Policy, would produce prosperity everywhere; that no sooner would they find themselves in office and inaugurate the system than the depression would disperse like a summer cloud. Well I think that I have stated clearly what brought the depression on, and what caused it to disappear, and shown to the House that the claim set up on behalf of the policy had no foundation at all. I would just like to read to the House a short extract of a speech which was made by Sir Alex. Galt in Liverpool about two years ago. He set forth a similar sort of claim there, that the inauguration of the National Policy had dispelled the depression; but lest I should misrepresent him I shall read his words:—

"In 1879 when this tariff (i. e the National Policy) was adopted, they tried for fifteen years to keep down the duties on their goods, and in the hope that the United States would modify their system, in order to enable them (the Canadians) to trade on something like fair terms with them (the people of the United States.)

In 1878 finding themselves impoverished they changed their plans. It might be said that they had violated all the principles of political economy, but political economy was not yet an exact science, and the conclusions which ought to arise from certain premises did not always do so (hear, hear.) They adopted not only a protective but a defensive system of his tariff, and the result had been that their people had become prosperous and contented, bank stock had risen, and employment was abundant. So much for Canada, and as to this country, under the new Canadian tariff they had taken in 1882 over nine millions of our manufactures as against five millions in 1879, or an increase of 80 per cent. Therefore they certainly had not injured England, nor did they find that they had injured themselves."

That was Sir Alexander Gault's statement made before the Liverpool Chamber of Commerce; but naturally the *London Times* had something to say the next day, and what it said was this:—

"A fondness for the fallacy of arguing—*post hoc, ergo propter hoc* has always been a

distinguishing mark of the order of mind that is capable of adopting protectionism. An instance of this has just been afforded by Sir Alexander Galt, who undertook to enlighten the Liverpool Chamber of Commerce, as to the excellence of the economic policy recently taken up by Canada. Sir Alexander after putting forward the usual mixture of erroneous premises, and false ratiocination which does duty for reasoning with the school of economists to which he belongs, finally made an assertion which he evidently considered to be decisive of the question: Ever since 1879, when the tariff was imposed, Canada has been prosperous, according to him, and we are asked to conclude from this that the tariff could not possibly have done Canada any harm. Every one knows that in the Autumn of 1879 trade all over the world, but especially in the United States began steadily to recover from the depression which had lasted during the previous five years, and it was therefore rather daring of Sir Alexander to offer such a piece of pseudo logic as this to a body like the Liverpool Chamber of Commerce."

Other bodies besides the Liverpool Chamber of Commerce have heard the statement.

HON. SIR DAVID MACPHERSON—It was very daring of the *London Times* to express an opinion on the fiscal policy of Canada.

HON. MR. HAYTHORNE—The *London Times* has some authority in the commercial world. This statement about the advent of hon. gentlemen to power, and the influence which the National Policy has exercised on the depression has been made in many places, but it is simply trading on people's credulity. You have to take it for what it is worth and no more. The hon. gentlemen say that because there was a depression before they came into office and because that depression ceased after they entered office therefore they were the cause of the removal of the depression; that they are the parties who brought on an improved state of things in Canada. Now, in order to establish that it is necessary to bring forward conclusive consecutive evidence unbroken between the cause and the effect claimed, else such an assertion goes for little or nothing.

HON. SIR DAVID MACPHERSON—Let the hon. gentleman disprove it.

HON. MR. HAYTHORNE—Yes, I think I have decidedly disproved it; I have shown where the depression came from and how it was lifted; it certainly was not the National Policy that lifted it, but the demand in Europe for American corn that gave a market for American grain and a market for our lumber in the United States—that it was that removed those piles of lumber which had accumulated here, and on which the interest and insurance paid had in some cases consumed their original value and brought bankruptcy on the owners. It was the improvement in the foreign markets which removed the depression in the United States and subsequently from this country, and not the National Policy.

HON. SIR DAVID MACPHERSON—I tried to show the hon. gentleman and the House what the National Policy had done.

HON. MR. HAYTHORNE—Yes, but if you bring forward such evidence as that of your Commission you can show it to the House and the country, but you cannot make us believe it; belief is quite another thing.

HON. SIR DAVID MACPHERSON—It is scarcely fair of the hon. gentleman to impute unfairness to those commissioners. He has not adduced a tittle of evidence to justify that. The commissioners are respectable men; they were sent out to collect facts, and they represent that they have stated facts, and I think without being able to disprove their statements that it is not right for the hon. gentleman to charge them as he has done with being partial.

HON. MR. HAYTHORME—The hon. gentleman will recollect, I hope, that when I first alluded to this subject I disclaimed anything of that kind. I stated my reason for discrediting the testimony of those commissioners was that it was *ex parte*; that they were appointed by the Government, and that the evidence they took was not subject to cross-examination by their opponents. But I told him how he could obtain evidence that would meet with public approval. I told the hon.

gentleman that if he would appoint a committee of this House, or procure a committee from the other House, or a joint committee of the two Houses, and bring witnesses before them and subject them to cross-examination; and examine witnesses subject to the call of the Opposition, then evidence could be obtained that would be reliable; and because I pointed that out to the hon. gentleman he says, "Oh you are not fair to the commissioners." I do not know the commissioners, and I did not even know their names, but I do object most emphatically that the Government should appoint a commission to obtain *ex parte* information such as he desires, and publish that information to the world, claiming credit for it as a result of the National Policy. You might as well go into one of those divorce courts held in this House every day and say, "Listen only to the petitioner; do not hear the respondent at all. Summon only the petitioner's witnesses; never mind the other side." That is what the hon. gentleman proposes to do by his Commission, and he cannot expect the independent voice of the country to have any confidence in that report.

HON. MR. KAULBACH—Is not the census of the country taken in the same way?

HON. MR. HAYTHORNE I did not expect that the statements I was going to put forward here this afternoon would be palatable to the hon. gentleman. I know very well that they are not, but I maintain that I have not stated one single fact which cannot be supported by most reliable evidence, the evidence of history, the evidence derived not from one period or from two periods, or from the four or five years that the National Policy has been in existance in Canada. I have gone back to sufficiently remote periods to include every variety of circumstance that can befall a nation in its history. Look at the history of England? It has waged warfare more than once on the Nile, in Asia, in Africa and the great national encounter in the Crimea with the Russian bear. She has faced pestilence, war and famine, and every contingency that any nation can be called upon to meet, and I think it is the opinion of every statesman of note that she has been able to face all these national contingencies with less fatal results, simply because she has been fortified by her system of free-trade. I feel that I have taxed the patience of this House, and I freely admit I have exhausted myself, although I have not exhausted the subject by any means.

HON. MR. READ—I would like to ask the hon. gentleman what the United States has been doing during the same period in the way of progress?

HON. MR. HAYTHORNE—I am perfectly prepared to meet the hon. gentleman on that ground, and perhaps I may be allowed to refer to some authority in whom he may not place any confidence, but in whom I do—the Hon. David Wells, one of the ablest exponents of free trade in the United States. I have statements made up by him as to the progress of that country as compared with England. There can be no doubt that the policy they adopted was calculated to stimulate manufactures in a country where there was such an enormous home market for all the necessaries which they manufactured, whereas the articles which they produce themselves had to go out to seek a market in other parts of the world. One of their manufacturers was represented as saying in answer to some protectionist views promulgated in the Boston newspapers that he was the protectionist protected in the production of his spools to the extent of a couple of cents a piece, but the farmer's animals, his corn, wheat, pork and other products—everything in short the land produced, the farmer was able to take to England and hold his own there, and even to push the British farmer out of his own market. But as to the manufactures of the United States, I believe great misapprehension exists there. They have no doubt a very fine home market, but it is a matter of surprise that with the experience that was at the disposal of our Government with regard to the operation of protection in the United States, and with regard to the older experience of England before the year 1842, and since then, they had the recklessness to adopt this policy in Canada—a policy that had failed in the two most important countries in the world. They knew that

it had failed in the United States, where the supply of manufactured goods so greatly exceeded the demand of the home market that they knew not what to do with the quantity that had accumulated in their warehouses. Mr. Wells gives some facts in regard to the American cotton trade, which the American may be fairly proud of—the vast amount of raw cotton produced in their country—but my hon. friend from Belleville must recollect that the production of raw cotton and the production of agricultural exports generally, is a very different thing from the production of manufactured goods. Referring to that, Mr. Wells says : "In 1880 we exported raw cotton to all countries to the value of $239,000,000 ; but during the same year, Great Britain, besides supplying her own domestic consumption, exported cotton fabrics to the value of $377,000,000." So that actually Great Britain exported more cotton fabrics in one year than the entire value of the total production of raw cotton in the United States where they had every advantage. "The cause of the comparative smallness of American exports," Mr. Wells says, "is due wholly and exclusively to our burden of direct and indirect taxes."

Now, some few years ago, after those occurrences to which I alluded in the former part of my address, namely the exportation of the American surplus of manufactured goods to England, and the allegation which had been made that America was underselling England in her own markets, English manufacturers thought it would be to their advantage to send experts, commissioned by them, to travel through the United States and form an estimate of what the actual condition of her manufacture of textile fabrics really was. They did so, and what was the report of those experts? It was simply this : that so long as the United States kept up its existing fiscal system and taxation, English cotton manufacturers need not worry themselves about American competition ; but if a change of policy were made, then it was time to think seriously that they would have to meet a formidable rival in neutral markets. I remember myself making this same statement on the same authority to this House two years ago. More recently I have seen the same statement made by other and most reliable authority, and latterly I notice it has found its way into the public press, and now the people are beginning to believe it. Now that they see free trade principles are beginning to establish themselves with the rising generation in the United States, the day when free trade may be in the ascendancy in that country will not be quite so distant as some hon. gentlemen seem to suppose. Mr. Wells states that he knows of no respectable, well-conducted newspaper in the United States which will deliberately undertake to advocate the principles upon which protection is supposed to be founded. He says further that he knows very few—only one or two I think he says—colleges in the United States where the professors of political economy do not teach free trade principles. A distinguished English traveller, about the same time, used the same language. I need only mention his name to this House to be certain that the value of his testimony will be appreciated. The gentleman to whom I allude is Sir Lyon Playfair. He stated the fact in the same terms as Mr. Wells, to which I have just given prominence. He says that he knows but one or two colleges in the United States where the professors of political economy are not free traders, and I have lately seen a statement in the press respecting the College of Philadelphia, that it is the only college in the United States where the professor of political economy is not a free trader. The effect on the coming generation of the United States will be seen, when instead of being imbued with the principles of protection they are taught the truths of free trade in the early period of their lives. Here are the views I have gathered from Mr. Well in regard to wages. Perhaps the hon. gentleman from Belleville labors under the mistaken impression that wages are so much lower in England, that the English operative is miserably paid, miserably fed and miserably clothed. Here is what Mr. Wells says in regard to that :—"Wages in the United States, as a general rule, are unquestionably higher than in Europe. The difference in rates between the United States and Great Britain, taking the purchasing power of money into consideration, is not at present (1882) very considerable, and not near as great as is commonly represented. Between 1875

and 1878 wages were higher in Great Britain in several departments than in the United States, and in consequence the tide of skilled labor rolled back."

I have no doubt that hon. gentlemen in this House recollect that period when immigration turned on its track, and emigrants returned to Europe from the United States. I need not trouble you with the causes of the higher value, but here are some facts which are not without interest, I think. "In the cotton manufactories wages in England are from 30 to 50 per cent. higher than in France, Belgium and Germany. Wages in England, in every industry, are much higher than in the Continental States of Europe." I hope the hon. gentleman from British Columbia will lay these facts to heart. The English operative receives more money per week than a similar one in Russia in a month. It seems absurd to compare countries such as Russia, France, Belgium or Germany where such low wages prevail, with England, where comparatively high wages are paid. Yet does England seek protection against the continental nation, or is it the reverse? Mr. Wells proceeds to describe how he visited the factories and machine shops of England, and afterwards those of the continent. He found that just in proportion as wages decreased, the demand for protection to domestic industry and the dread of British competition increased. From this fact he recognised the falsity of the plea that American labor by reason of its ability to earn higher wages than that of Europe needs to be shielded and protected.

I ought to apologize for the time I have occupied in this discussion, but I have been led on imperceptibly from point to point until I have hardly any voice left. I wish to say, however, before I sit down, that doubtless the gentlemen into whose hands the destinies of Canada have fallen have read that admirable letter which proceeded from Mr. Gladstone's pen addressed to Mr. Smalley, which has been published in our newspapers within the last two weeks. There is one special passage in that letter to which I would allude: it is that in which Mr. Gladstone refers to the probable destiny of the English race on the Continent of America, and among this race I should certainly include the Canadian French race, and which Sir George Cartier described as French speaking Englishmen. That race we have included amongst our people and count as amongst ourselves, as part of the English speaking race of America. Mr. Gladstone has predicted a wonderful future for that race. As to their numbers we have pretty good grounds for supposing that they will yet be sufficient to overrun the whole of this continent in the next 100 years. I do trust that the Government who are charged with the destinies of the Dominion will not forget the part they have to play, and will not embark this country in any wrong direction so that they will have false theories to upset, and the results of wrong theories to remedy in the future. Let them remember that this Canada of ours will have to play an important part in the future which the English speaking race will have to play in the history of this American continent.

HON. MR. HOWLAN moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Tuesday, March 10th, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

TERRY DIVORCE BILL.

REPORTED FROM COMMITTEE.

HON. MR. ODELL from the Select Committee to whom was referred the Bill for the relief of Fairy Emily Jane Terry, reported the Bill without amendment. He moved that the Bill be taken into consideration on Thursday next.

The motion was agreed to on a division.

PRIVATE BILLS.

TIME FOR RECEIVING REPORTS EXTENDED.

HON. MR. LACOSTE from the Select Committee on Standing Orders and Private Bills presented their twelfth report recommending that the time for receiving reports of Committees on Private Bills, which expires on the 12th instant, be further extended to Thursday, the 2nd day of April next. He moved that the report be now adopted.

The motion was agreed to.

NEW SENATOR.

THE SPEAKER—I beg to present to the House the certificate of the Clerk of the Crown in Chancery setting forth that His Excellency the Governar General has been pleased to summon to the Senate, Pascal Poirier, Esq., in and for the Province of New Brunswick, in the room of the late Hon. Wm. Muirhead, deceased.

A QUESTION OF PRIVILEGE.

HON. MR. ALEXANDER—Before the orders of the day are called, I rise to a question of privilege. I learn that orders have been given to the reporters of this House to expunge a certain speech delivered in this House by a member. The orders were conveyed, I understand, to the reporters by the hon. senator from Sarnia (Mr. Vidal). I desire to ask by what authority that senator gave or conveyed such orders? My reading of parliamentary practice is that no speech of any member can be omitted from the official report of the debates without an order of the House conveyed by resolution duly passed.

HON. MR. VIDAL—As the hon. member has called upon me by name to explain this matter, I must endeavor to do so, although laboring under very considerable difficulty on account of a severe cold. As he has been pleased to term it, the order that has been given the reporters is not, correctly called, an order. I received from the official reporters, in the absence of the chairman of the Committee on the Reporting of the Debates, a brief memorandum asking what was to be done with the debate of Friday last in connection with the disorderly conduct and remarks of the hon. senator from Woodstock. The reporters understood, as I think it was generally understood in the House, that his remarks and the speeches referring to those remarks, should not find a place in the record of the Debates of this House. That was the understanding by myself, and I think by the other senators, of what was the desire and intention of the House in this matter. I had no authority to suppress any debate, much less to do what has been incorrectly charged to have been done—expunge it from the record, because it has never been on the record, and consequently could not have been expunged. I had no authority for directing that this speech should not be placed in the record; and I therefore took the opportunity of consulting other members of the Debates Committee. There was no time to call the committee together, but I took the opportunity of consulting such members as I could conveniently see Every one of them understood the sense of the House that those speeches—not merely the speech of the hon. member from Woodstock, but all the speeches based upon his remarks—should not be inserted in the official report of the debates. I conveyed this information to the reporters, and they very naturally asked the question as to where the omission was to commence and how far it was to extend? I gave to them what I understood to be the decision of the Senate, and as I thought a very natural and very proper decision, especially when the hon. gentleman from Woodstock had professed to make an apology to the House. I considered, that being the case, that there was the admission that he had done wrong, that his remarks were entirely out of order and should not therefore, on that account, be placed on record; so I gave, as I thought, very simple and proper instructions to the reporters to go on with the hon. gentleman's remarks just so long as he was speaking on the subject before the House—that is, the Bill respecting the transfer of lands in the North-West Territories,—but so soon as he departed from that and began to use these inexcusable imputations, and when he undertook to express himself in a manner entirely

unbecoming any member of this hon. body, that those remarks should not appear—that that should be the special point at which the reporters should not record the debate, and as a natural consequence not only the remarks of the hon. gentleman from Woodstock but the remarks of other hon. gentlemen who spoke after him in reference to this matter, should disappear altogether, so that there should be no record in our official report of that very unpleasant debate. I think the hon. gentleman's remarks were very derogatory to the character and honor of this House, and calculated to lower us very much in the estimation of the country. There is no hon. gentleman who professes to have greater respect for the dignity of this body or greater desire that it should stand well in the eyes of the community than the hon. member from Woodstock, and I venture to say that remarks such as he has made in this House during this session have done more to lower it in public estimation than anything that has been done within these walls. Not only should the Senate sanction what has been done, perhaps somewhat irregularly, with reference to these remarks, but in my judgement the Senate would act wisely and well if they would expunge from the record the remarks made by the hon. gentleman on a former occasion when he indulged in unjustifiable imputations upon the character, honesty and integrity of members of this body. I trust the House will sustain the somewhat irregular action taken by me and will affirm the principles and motives which actuated me in adopting the course which I have taken.

HON. MR. DEBOUCHERVILLE—I regret that I had to leave the House a moment ago and did not hear the beginning of this discussion, but I understand that some remarks have been made respecting the non-publication of the speech of the hon. gentleman from Woodstock on Friday last. As I am chairman of the Debates Committee I may be considered responsible for what has happened, but I was absent from Ottawa when the discussion which has been referred to took place. Yesterday, from what I heard from hon. members, I thought it was the expressed opinion of the House that there should be no publication of that part of the debate, and I gave my consent that it should not appear on the record. That is the only explanation that I can give.

HON. MR. POWER—I cannot agree with the hon. gentleman from Sarnia. I think that there is a right way and a wrong way of doing things, and in the present instance a certain debate which took place here, has been suppressed without the authority of the House, or even without the authority of the committee that is charged with the duty of looking after the reporting of our debates. I was fairly attentive to the proceedings that took place on Friday last, when the hon. gentleman from Woodstock made such a very objectionable speech here—at least a speech a portion of which was exceedingly objectionable—but I did not understand that there was any opinion expressed by the House, that that speech should not be reported. One hon. Minister proposed to move without notice, that the speech of the senator from Woodstock should not appear in the report of our debates. I objected to that and suggested that the more regular way would be to give notice that a motion would be made on Monday to the same effect. That course was not taken. The Debates Committee was not summoned, and really no action has been taken by the House at all, and now, without any action of the House, and without any action of the Committee, a portion of our debates has been suppressed. I wish to call the attention of the hon. gentleman from Sarnia, and of the House, to a fact in connection with this which they appear to have lost sight of: the hon. gentleman from Woodstock was called upon yesterday in a proper and regular way by resolution, of which notice had been given—to apologize for his conduct. Now if we have expunged from the record of our debates the objectionable language used by the hon. member, the proceedings of yesterday become unintelligible and unreasonable.

HON. MR. VIDAL—No, no.

HON. MR. POWER—Excuse me, the proceedings of yesterday were based on what took place on Friday.

HON. MR. VIDAL—The hon. gentleman is mistaken. The motion is not based on his words at all, but on his action in refusing to sit down when called to order by the Chair.

HON. MR. PLUMB—That would have nothing to do with the debate at all.

HON. MR. POWER—The facts would appear in the reporters' notes as to what took place, when the hon. gentleman was required to sit down and did not do so. I presume that the language of the Speaker, and what took place then would appear in the report. Then when the hon. gentleman from Woodstock yesterday made an apology, as I understood, for the language that he had used (which was not proper language to use in this House), as well as for his disobedience to the Speaker, it seems to me that under all the circumstances it is very much to be regretted that the hon. gentleman from Sarnia should have taken the course that he has followed. I look upon the report of our Debates as being something in the character of our Journals—they are sacred to a certain extent, and if the Journals, or if the reports of our debates can be tampered with, without any official authority from the House or from the Committee on the Reporting of the Debates, what sort of security is there to hon. members who happen not to be in the good graces of the majority, that they will get fair play? I do not wish at all to be understood as approving of, or endorsing, or excusing the conduct of the hon. gentleman from Woodstock on the occasion referred to, but, as I stated the other day, what happened that hon. gentleman on that occasion may happen some other hon. gentleman on another occasion, and we should not violate our rules, and, as I think, violate the proprieties which ought to govern the proceedings of this House and its officers, simply for the sake of dealing with one particular case.

HON. SIR ALEX. CAMPBELL—It seems to me that a word or two should be said on behalf of the hon. gentlemen of this committee who acted in the manner communicated by the hon. gentleman from Sarnia. It was understood the other day when the matter was up that no report of the proceedings should appear at all; that the report should be suspended.

HON. MR. ALEXANDER—No, no.

HON. SIR ALEX. CAMPBELL—There is no occasion for the hon. gentleman to shout "no," in that uncomfortable and violent manner. It was understood that the report should be suspended, and that further instructions should be given about it.

HON. MR. ALEXANDER—No, no.

HON. SIR ALEX. CAMPBELL—The House hears me and understands that it was so, notwithstanding the hon. gentleman's denial. Then it fell to the Committee on the Reporting of the Debates to give some directions. The only irregularity seems to be that that committee did not meet, and the hon. gentleman from Sarnia has explained why they did not meet. If they had met and given such instructions everything would have been perfectly regular, and in carrying out the wishes of the House, even without a formal meeting, it seems to me they were amply justified in giving the instructions. It is very often difficult, if not impossible, to interpose in time to accomplish an object of this kind which the House had evidently fixed its mind upon, if it is necessary to delay proceedings until the committee could be called together. In the meantime, perhaps, the report would have gone abroad, and the wishes of the House would have been defeated. Therefore I think the members of the committee were justified in the course which was adopted under these circumstances, and have showed that they were actuated by no unfair spirit, since it was not only the remarks of the hon. gentleman from Woodstock that were directed not to be published, but the whole consequent debate, so that the same mete which has been measured out to him has been measured out to others, and I think that is the best and fairest way to leave it, and I move that the orders of the day be called.

HON. MR. ALEXANDER—This is a very grave matter, hon. gentlemen. This

is a matter affecting the privileges and the rights of this House, and it is a very strange thing that the hon. Minister of Justice, from whom we ought to expect rulings dictated by higher principles, should act in the manner he has done. The hon. gentleman knows perfectly well, as well as I do—and if he consults the work of Mr. Bourinot, the Clerk of the Commons, who is the highest authority in the land, it will shew him that a speech delivered on the floor of Parliament cannot be prevented from being issued in the official reports without a motion of Parliament. This is the rule of the Commons and House of Lords in England, and in the Parliament of this country, and one whom we expect to be an authority on such matters should not thus degrade the position he occupies.

HON. SIR ALEX. CAMPBELL—I call the hon. gentleman to order. The hon. gentleman has no right to use such language in reference to any member of this House.

The SPEAKER—The hon. gentleman from Woodstock is clearly out of order, and clearly transgresses the rules of this House by charging the Minister of Justice with conduct degrading to the House. I hope the hon. member will keep within the rules of Parliament.

HON. MR. ALEXANDER—I have consulted the highest authorities on this point and it is a most grave matter, affecting the privileges and liberties of Parliament, and no member should be allowed to do what the member for Sarnia has done. If the hon. Mr. DeBoucherville had not been absent he would have acted differently, like all the gentlemen from the Province of Quebec. I have never known any member from the Province of Quebec acting otherwise than as gentlemen of principle, and it is for the gentlemen from Upper Canada to lower the position——

HON. MR. BOTSFORD directed the attention of Mr. Speaker to the fact that there were strangers in the House.

THE SPEAKER—Strangers are ordered to withdraw, and the doors are to be closed.

After some time the doors were ordered to be opened.

REAL ESTATE, NORTH-WEST TERRITORIES, TRANSFER BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (A) "An Act respecting real property in the North-West Territories."

In the Committee,

HON. SIR ALEX. CAMPBELL—The fifth clause of the Bill is as follows:—

5. All lands in the territories, which, by the common law are regarded as real estate, shall be held to be chattels real, and shall go to the executor or administrator of any person or persons dying seized or possessed thereof, as other personal estate now passes to the personal representatives.

That is a part of the scheme which is not absolutely essential to the carrying out of the Torrens system, but it has been adopted with great advantage in some of the Australian colonies, and in Newfoundland, and is spoken of by writers as being a very valuable feature and one which they very thoroughly approve of, one which they think has merit, and from which they expect very great and good results. I will read some remarks which have been made by the Chief Justice of Newfounladnd, where this system is in operation and, where they have had experience of it ever since 1832. The Chief Justice says:—

Prior to the first passing of the "Real Chattels Act" in 1834 (cons. stat. s. 35), the law of Newfoundland regarding real property was in a very indefinite and unsettled state.

The law of England was regarded as wholly unsuitable to a country where for a long period under the operation of the Imperial Fishery Acts the first occupant in the spring was entitled to hold for the season that part of the shore, the only part of the soil considered of value, of which he could take possession, where, until a comparatively recent period, crown grants of land other than mere licenses of occupation could not be made, wherefor several years after the commencement of the present century, no one could build or substantially repair a permanent dwelling without the express permission of the Governor.

Accordingly Chief Justice Reeves in 1792 held that lands and plantations in Newfound-

land were nothing more than chattel interests, and should in cases of intestacy be distributed as such. (Archibald's digest, 125.) And in 1818 the same point was so ruled by C. J. Forbes in Williams and Williams, select cases in the s. cts. of Newfoundland, 120. The late learned and talented registrar of our sup. Co., E. M. Archibald, observes in his Digest, p. 126, that he never knew or heard of a claim for dower in the Island, and that though the Stat. of Frauds had been held to be in force, a will of the land had not been regarded as invalid for the want of three witnesses.

On the other hand the late Chief Justices (Boultons and Bowins) seems to have been of opinion that the laws of England in relation to lands were in force in Newfoundland prior to the Real Chattels Act, and of this opinion have been the majority of the profession, at least of late years, and even C. J. Forbes held the Statutes of Lim. to be a bar both to the Crown's and to a subject's claim to land, S. C. 144, 195, 203.

To remedy this state of confusion and uncertainty the Local Legislature immediately after the grant of representative institutions to Newfoundland in 1832, passed the Real Chattels Act, at first with a proviso restraining executors and administrators from disposing of land for a larger term than one year without the consent of the Supreme Court, but afterwards (this clause being disapproved of as inconsistent with the principle of the Bill by the Colonial Office) in its present shape.

The Act was quite in accordance with public opinion and feeling on this subject, and there is no doubt it was a wise and salutary measure particularly suitable to a young country in which the complex law springing from the feudal system would seem to be entirely out of place

By one stroke it swept away primogeniture, entails, curtesy, dower, and numerous other incidents of land in England, reduced to the condition of a literary curiosity a large body of real property law, and by the substitution of a single and simple tenure for the complex titles by which land is held in the mother country, it lessened litigation and rendered simple and easy the proof of title and a construction of deeds and wills. The transfer of land *inter vivos* is effected by any writing sufficient under Statute of Frauds, accompanied by registration as against subsequent purchasers and incumbrancers. Its devolution at death is regulated in cases of intestacy by the St. of Distrib, and where there is a will, by the provisions of our local Wills Act, which are the same for a devise of land as for a bequest of money.

The statutes of uses have, of course, no application here, but trusts of land are created, moulded, and dealt with as trusts of terms are in England. A husband can dispose absolutely, during coverture of lands of his wife, not settled to her separate use; where there is no such disposition or settlement they remain to the survivor.

Hon. gentlemen will remember that since this law came into force in Newfoundland the population of the colony has increased. There is the City of St. Johns with a population of 25,000, and I suppose there are considerable dealings in land. The Chief Justice says in this letter:

"No public inconvenience, so far as I am aware or have heard, has attended the abolition of the English law of inheritence. The proviso in the Acts saving rights reduced into possession, of the effect of which I have found in former years a few instances but the operation of which has now substantially ceased from the lapse of time, effectually guarded against this evil.

Apprehensions were at first entertained lest the unlimited power over lands, given by acts of personal representatives, should be attended by mischievious consequences, but experience has shown these fears to be groundless, the security given by administrators, and the ready intervention of the courts of justice having been found to be sufficient protection for creditors, legatees, and next of kin.

The administrator and the executor deal with the land as with a chattel, the latter when the claims of creditors do not intervene, having, of course, regard to the dispositions of his testators, and the litigation has, I think, diminished, rather than increased, by reason of their being clothed with this power.

I am not aware of any inconvenience having been felt by the abolition of the power of creating entails. It has been productive of good rather than evil, as apart from other important considerations it defeats the desire to exercise the lengthened posthumous influence over the disposition of property to which many testators are prone.

The principle of the Act is, I think, perfectly understood by the public, and is regarded with general satisfaction as answering the demands of justice by placing all the children, in cases of intestacy, on the same footing, and facilitating the recovery of debts.

In fine, after an intimate and practical acquaintance with the operation of this Act for forty years, I can heartily recommend it as a marked reform in the laws of landed property.

In Canada, circumstances may exist of which I am ignorant which may render its introduction there impracticable or inexpedient, but of Newfoundland, it is not too much to say that I know of no Act of the Legislature which has been more extensively useful.

My brother Judge Hayward concurs in these observations, which you can use in any way you please"

In addition to that I will read the remarks of Mr. Duffy on the experience of the colony of Victoria:—

"Legislation on the subject was resumed in June 1864, when the most important alteration

of real property law yet attempted was effected by converting real estate on testacy from an inheritance descending to the heir-at-law into personalty to be distributed by an administrator amongst the next of kin."

Therefore as regards this clause we have the experience of Newfoundland and the experience of some of the Australian colonies; but it is not an essential feature of the Torrens system, and it will therefore be for the House to say whether or not it should be maintained. I hope myself that the House will approve of it. It seems to me that it will be found, although it is a novelty and rather makes one feel a little uneasy at first, that it will be a convenient and safe plan. It will not interfere with the execution of a man's will, which will still govern the descent of his property It does not interefere with the rights of any person; it will merely simplify the execution of a will and the passing of rights from one person to another. The executor or administrator will have the administration of the land the same as he has now of the personalty, and there will be no greater or other difficulty in transferring a lot of land through the executor than there is now in passing $100,000 in stock through the executor of a testator to his devisees. I hope the House will adopt the clause.

HON. MR. KAULBACH—Under the existing law the land passes to the heir without the intervention of any machinery; but suppose a person dies leaving no will and no debts, and that no person moves for administration, is there anything in this Bill by which the court would appoint an administrator to act upon the estate?

HON. SIR ALEX. CAMPBELL—Yes, there is.

HON. MR. LACOSTE—I intended to have spoken on the second reading of the Bill, but happened to be absent, and I hope the House will permit me to make a few remarks now. This is a most important measure and it is contrary to the ideas which have been entertained as to land in the Province of Quebec, not only by the French-Canadian but also by the English speaking lawyers of the province. It seems to me that this fifth clause of the Bill is merely put there for the accommodation of the system contained in this Bill; that is to say, to carry out its main object, which is to give to the purchaser an indefeasible title. Now, it is a principle of natural law that when a man becomes once the owner of a property, he cannot be deprived of it except by his own consent. There is but one exception to this; it is when for the public benefit his property is expropriated. I do not speak of prescription or limitation, because those assume a consent or gross negligence. For instance, if a man's property has been in the possession of another for, say, thirty years, then it ceases to be his; in this case there is a consent presumed on his part, that he does abandon his property, or the law considers his negligence to be such as to justify a forfeiture of his ownership; and the property goes to those who have had it for thirty years. I do not think, however, there is any exception to the principle of law which I have stated, but the one, expropriation. This rule has always been applied to real estate, but as to personal property the rule is not so strict, as it is always easy to follow real property into the hands of third parties. Supposing my neighbor should sell my property, I could go and claim it. The property is still there. If this property is sold by the first purchaser to another, I could still claim my land. On the contrary the law is not so strict as regards personal property; there is always the presumption that the one who sells it is really the owner, because he is in actual possession of the thing. For instance, if I sell a horse I have to deliver it. This horse must have come into my possession before I could deliver it. It is the presumption both in law and equity, I think, that being able to deliver the horse I am the owner. It is the same with promissory notes. If I hold a note I am presumed to be the owner. But under this Bill the sale of real property takes place by the registration of a deed without actual delivery. There is nothing to show that the vendor is really in actual possession of the property. Until now all sales of land have been accompanied by certain formalities which were required for the protection of the public as well as of the parties. That is to say, all those formalities were to assure the

purchaser that the consent of the real vendor was given, and that is based on natural law. It is a principle which has been approved of for centuries, and now we are going to depart from that principle; but before doing so we should have very good ground and very strong reason for the departure. What reason have we to give for departing from the principle? It is to give the purchaser an indefeasible title—that is to say a title which no one can attack. I say that the title given under this law is not indefeasible. Under the law of the Province of Quebec—I am not so familiar with the English law or the law of Ontario, but I believe it is the same—if a man holds a good title, that title is really indefeasible; no one can take the land from his hands, except in case of expropriation for the public benefit. But the title which is called indefeasible in this Act, is not, indeed, an indefeasible title, because it may be defeated the following day by the very man who gave it. The Registrar who gave a title as indefeasible may sometime after give a similar title for the same land to another party, and this party becomes the owner of the property. I will take two cases—the case of personation and the case of misdescription, which are, I think, mentioned in this Bill. I know there has been one case of personation in one of the English colonies where the Torrens system is in force. Under this Bill, as it is now proposed to be adopted, supposing a man should represent himself as John, the real owner of the property, and should sell that property to Joseph, and Joseph acting in good faith bought it and paid for it; both of them would go to the Registrar and Joseph would get from the Registrar a title to the property; afterwards he could come to the true owner of the property, who is ignorant altogether of what took place, and tell him: "This property is mine; it has been sold to me." John would say: "I did not sell that property; you have purchased it from some person who has assumed my name; it is a case of personation. Surely you do not mean to say that you want to deprive me of my property because you bought it from some one who did not own it?" The reply would be: "Yes, you will have to give it up, for it is now mine." That is the effect of this Bill. I say this is contrary to the principles of law and against vested rights. I would remind the House how careful we are to see that vested rights are not tampered with. For instance, in cases of Private Bills, we require that notice shall be given when a measure of this kind is introduced here; so that if vested rights are affected in any way there is a proviso protecting the rights which have already been acquired. In this Bill we do not really protect vested rights, although two remedies are given—one remedy is that the person whose land has been sold may go to the Registrar and show that he has been defrauded. Under section 115 of this Act, the Registrar may of his own motion call upon the new purchaser to cancel his title. I really do not know how this 115th clause will operate in connection with the 58th. But taking it for granted that this is a remedy, the Registrar may act only if he chooses; and if he does not choose to act, then the person has no remedy to recover his land. The owner cannot obtain his property from the purchaser and the only recourse he has is for damages. Section 58 provides that the certificate of title granted under this measure, except in case of fraud, in which the purchaser has colluded, shall be conclusive evidence of title. I am speaking of a case where the purchaser has paid *bonâ fide* his purchase money. Section 115 seems to give him a remedy, though I do not see how it can agree with section 58. Section 115 provides that if it appears to the satisfaction of the Registrar that any grant, certificate of title, or any other instrument has been issued in error or contains any misdescription of land or boundaries, etc., it can be cancelled or corrected. Now according to our law in the Province of Quebec, if a sale of land is made, the purchaser has 30 days within which to register his title. If he does not do so within that time the title is not good as against third parties who may have acquired the land from the same vendor. This is our law, but at the same time the principle of ownership is respected; that is to say, no one can sell property unless that property is his own. But according to this Bill, a person who is not the owner of the land can give a good title to it. I suppose such a thing will occur but rarely; yet I know that a

case of personation came before a court in Australia as I have already stated. Now let us take a case of misdescription. This law will apply as well to town as to farming property. In towns the lots are small as compared with the farms, and supposing the registrar were to give wrong metes and bounds and did not mention the correct number of feet, what would be the result? It would be that the purchaser of a lot would come perhaps ten or twenty feet into his neighbor's house. According to this, the registered title being good, being indefeasible until it is set aside by another title of a similar character, the purchaser's neighbor would be bound to give up his property; he could not keep possession of it. I say this is interfering with vested rights. I have said the first remedy is to go to the Registrar. If I am at the end of the province—because those districts are really provinces in extent—I must travel a long way to go to the Registrar's office to convince him that he ought to take proper proceedings to have the new title set aside. In cases like this, I think the remedy should always be in the hands of the real owner of the land. If another one who has a bad title wants to dispossess him, I think it is he who ought to have a right to say to the new purchaser "I will not give up my land; if you think you have a right to it, go before the courts; no one can deprive me of my vested rights." Now there is in this Bill another remedy: the real owner deprived of his property can have recourse against a special fund to be created under this Act. Well I say it is unfair, because it is changing his position altogether. He is dispossessed for the benefit of the purchaser. According to the principle followed until now, expropriation can only take place for the public benefit; but in a case like this, his property—I say it again—would be expropriated by that title, not for the public benefit but for the benefit of a purchaser, his only recourse being for damages. He must first take action against the one who has defrauded him, and then, if necessary, he has recourse against the Government, so he has to go to the trouble of taking two actions to reimburse himself, and he must prove the damage he has sustained. The burden of proof is on his shoulders. At the time of the sale he was in ignorance of the transaction, and was relying upon his title as being indefeasible. This is the way that this Bill might operate to the disadvantage of innocent parties, and I believe it to be unjust and unfair. I know that such a law has been in operation in some of the British colonies; but I may say that in one of them they have amended it and are coming back to an old principle. The motto of the Scotch thistle—*nemo me impune lacessit*—applies to all principles of law, and no one can violate these principles without having to stand the consequences. In a new country, a law like this may do very well for some time, but later on they will feel the bad effect of it, because this law is opposed to the fundamental principles of justice and equity on that point. This House must not understand that I am altogether opposed to the adoption of this Bill. I think that it is the duty of the members of the Senate to second the efforts of the Government. No doubt this measure is one of the most important that has been submitted to us, and it is said that it is an improvement on the law now existing in the North-West territories. Well, I take that for granted on the declaration of the hon. Minister of Justice, who is so learned in the law, and I take it upon the declaration of the Minister of the Interior, and also on the statement of the hon. member from Manitoba (Mr. Girard), but while it may be an improvement on the law as it now exists, I do not think it is an improvement on the law in the true sense of the word. That is to say I do not think it is based upon a correct principle of law.

It has been asked why not sell land as readily as we sell a ship? The case is not the same at all. A ship is personal property. Moreover—I do not know what is the law in Ontario—but according to the law in Quebec, it is only the owner that has the right to sell a ship, and of course the title must be registered. The sale will take effect from the date of registration of the title, and a ship, or a share in a ship, can only be sold by the real owner, so that the principle of vested rights is strictly preserved. I will content myself with these remarks on the 5th clause of the Bill. When we come to the sections respecting trusts and mortgages, with the leave of the

House I may have some further remarks to make.

HON. MR. GOWAN—The remarks of the hon. gentleman from DeLorimier, I think, are sound in substance, but they would apply with equal force to any system that has hitherto been devised. I know that in practice, in Ontario, personations are very common indeed, and it has been found impossible to guard against them. Fraud will always devise means to accomplish its purpose, and it is difficult to shape any law such as will meet every case of fraud; but the liability to frauds of that character is less under this Bill than under the system in force in Ontario. Under our present system of transfer, a man may without the safeguard of appearing before an appointed officer, come before an attorney, or anyone who is capable of witnessing a deed, and may there profess to be the owner of a certain lot of land—it has often occurred in Upper Canada—and he may grant a deed of that land without being the owner. That instrument, with all the formalities representing him to be the owner, is placed on record in the registry office, and he becomes the owner of the property. The real owner may reside at a distance, or out of the country, and after a time when he comes to sell the property to a third party, that party on searching the records finds there is some one apparently the owner, or professing to be the owner under a deed from the original proprietor. It has occurred not once but many times in Upper Canada, while the remedy of the owner or grantee of the owner is to bring an action to recover possession, and he has to go through all the formalities of an action at law, which is a very expensive proceeding, to assert his rights. Personation may occur under this law, but it may also be made under any system and especially, as we have seen, under the system that has been found to work so well in Ontario.

HON. MR. LACOSTE—It cannot be done under the system in force in Quebec.

HON. MR. GOWAN—I am quite aware that under any system fraud of that kind cannot be prevented. I think this Bill provides a remedy in the 115th clause to set it right on an appeal to the proper functionary. It gives a remedy in that clause under a process which is much more simple and less expensive than an action at law. I confess I cannot see how it is possible to guard against frauds by personation. Personations take place in the sale of other articles as well as of land. A man may come forward and sell a horse. He may have stolen that horse a short period before, and if the party who has purchased has sold again to a third party, there is a remedy by an action of replevin; but the party must prove his right. I know of no system existing which would guard against false personations of that kind.

HON. MR. KAULBACH—The hon. gentleman from DeLorimier has made out a very strong case. A man under our law who does not own property cannot pass property; but under this Bill a man who does not own the property can pass title, and there does not seem to be sufficient provision by which property can be taken out of the hands of a man who has purchased it in that way. All that the victim can do is to get his action for damages for losing his lands.

HON. MR. GOWAN—He is not confined to that remedy.

HON. MR. KAULBACH—Certainly, under this law the moment the registry is made it passes the land, and the title is in the man who has the deed, although the person who gave may have had no title in it at all.

HON. MR. GOWAN—The same way under the registration law of Ontario. The person having had the deed appears to be the owner until the opposite is shewn.

HON. MR. KAULBACH—But in that case it passes nothing. The moment it is ascertained by the court that the man who gave the deed did not own the land the deed is valueless; but the moment the deed is certified by the registrar under this Bill, the holder owns the land.

HON. SIR ALEX. CAMPBELL—I think my hon. friend from DeLorimier was

not here when the Bill was read the second time ; so, naturally, he discusses rather the principle of the Bill than the particular paragraph under consideration. I think if the House considers that the property should go to the administrator or the executor we might pass this clause.

HON. MR. TRUDEL—The trouble is that it will be hardly possible to have what we consider the true principle recognized in the following clauses, because the fifth clause is the foundation of the system proposed. The more I read the Bill the more I see that it will be an immense advantage if the House should make of it two measures, one to establish a perfect system of registration—and I may say at once that I would be ready to assent to most of the clauses of the Bill as far as the question of registration goes —but the misfortune is that while we are called upon to enact a registration law we are at the same time obliged to settle questions which are of the most important character, and to hastily adopt principles which are the very foundation of the whole system of legislation. Of course I will not deny the strong precedent which has been quoted by the Minister of of Justice. But the fact of some of the English colonies having adopted this system, is an argument, the strength of which is only relative. We ought to consider what has the improved method been substituted for in these countries. For instance, if those colonies have concluded that a system of legislation such as prevailed in Europe for many centuries was a bad one, it is a strong argument in its favor, but we have to consider the question of what advance has been made by those colonies in the study of legislation? There is in this a very difficult question for those who feel as I do. We are called upon to say whether it is not better to adopt this system than to allow the North-West to remain under the laws at present in force; and we are reminded by the Minister of Justice that those laws are the laws of Ontario. I think that when we are called upon to adopt the basis or foundation for the legislation of the North-West, we should not take it for granted that the present system in force in the North-West is that of Ontario. If my memory serves me right, I think that when laws were put in force in the North-West, it was only a provisional adoption of them until that country would have the right to legislate for itself.

HON. SIR ALEX. CAMPBELL—I did not say that the laws of Ontario were in force in the North-West, but merely that the laws respecting the registration of deeds were copied from the Statutes of Ontario. They have been legislating in the North-West by virtue of the Governor-in-Council, and the laws in force are those which the Governor-in-Council has promulgated, and in dealing with this subject of registration the Governor-in-Council took the law of Ontario and passed it in the shape of a Bill in the North-West Territories.

HON. MR. TRUDEL—I have a vague recollection that some temporary legislation has been adopted with respect to the North-West; I do not know whether it is the whole law of Ontario, or only the criminal statutes by which the people of the North-West are to be governed until other legislation is enacted.

HON. SIR ALEX. CAMPBELL—The criminal laws are the laws of the Dominion, and they are extended to the North-West by Act of Parliament.

HON. MR. TRUDEL—I think that the adoption for the North-West of sound principles of legislation in the beginning should be carefully observed, and that ample time should be given to those who take an interest in this matter to inquire into it before any system is decided upon. For this reason I have suggested to the Minister of Justice that only the part of this Bill which relates to registration should be taken into consideration now. The Minister of Justice has admitted that these clauses to which I have referred are not necessary to the working of the Torrens system ; and therefore before adopting such a radical change as is here proposed, the subject should be further inquired into. We may exaggerate the advantages of our own system, and as I stated the other day, it would not be fair on our part to come here with our Quebec ideas—our French ideas—of the principles of legislation, and

try to impose them on the large majority of this House; but hon. members know perfectly well that there is an immense advantage to be derived from a comparison of the systems of law in force in different countries. I do not hesitate to say that the transfer system of England cannot be compared with the laws which govern the transfer of land in some of the southern countries of Europe. It is, no doubt, well understood that there are a great many features in the law of England that are superior to the laws of other countries, but it is also generally admitted that the most perfect people are those who want as little legislation as possible. In fact the amount of legislation in a country is not a criterion of the state of its civilization; on the contrary the existence of vice and crime necessitates increased legislation, so that if the system which prevails in England is not so perfect as that which prevails in other countries, it does not follow, in my opinion, that civilization is less advanced in England than anywhere else. But I say it is a fact that is recognized by the ablest legal minds in England that sound principles of law are better recognized in France, for instance, than in England—that the system there is a good deal more perfect. I have myself, in England, heard men of very high legal attainments say that their best source of information on most questions of law is the French commentators. I think it would be to the advantage of this country to carefully compare both systems, and if that were done, I think it would be admitted that in committing ourselves to a principle like that contained in the fifth section of this Bill, we are adopting something which is merely a fiction of law, and hon. gentlemen ought to reflect seriously on this point. I contend that the principle of the fifth clause is only a legal fiction; it is not a reality; it is not a truth, because real property in the strict sense of the word cannot be a chattel if I properly understand what the word "chattel" means. We are asked at the very opening of this measure to base this new system on a proposition which is a fiction. Then there is clause seven, which is to a certain extent governed by the principle which obtains in clause five. It will be seen there that not only is the character of the property changed, but that one of the conesequences of the system is that the true owner of the property does not appear. Therefore we will be obliged to create a second fiction of law to say that the devisee, the man in favor of whom the property has been granted will not be considered by the law as the proprietor or owner; that his right of property, which is a sacred thing, is set aside, and the owner of the property, under this law, is a person quite different from the owner in equity—the real owner of the property. This is another serious objection. It is another unsound principle to which we are asked to commit ourselves and we never can calculate what evils may result from the adoption of it. I would again suggest to the Minister of Justice, if he would allow me, that this Bill should be considered in committee as a registration law merely, and that all other matters connected with it should be reserved for further examination.

HON. MR. GIRARD—We cannot expect that on a measure of such importance we can arrive at a proper conclusion without discussion. For my part I think if this Bill is adopted in the North-West Territories it will be a great improvement. We may differ in opinion as to its details, but I know that the measure is asked for there, and that if it is adopted it will be a great benefit to the country. Our North-West Territory is not in the same position as the other provinces of the Dominion; nevertheless we can appreciate the advantages such a law will afford, and the benefits that may be derived from it. A system that has been beneficial to other colonies may be of equal benefit in our North-West. The circumstances of the North-West are exceptional; we are just beginning to settle that country. It is not as if it were proposed to introduce this system in England, or even in the older provinces of this Dominion. In the new Territories of Assiniboia, Alberta and Saskatchewan everything is new, and what we want to arrive at in the beginning, above everything else, is a system by which we can have a perfect title to lands, and at the same time one that is simple and inexpensive. We think that under the system proposed we will secure all those advantages if it is adopted. We know that the system in

force in the Province of Quebec is a good one, but it is expensive. We have to make searches in the registry office; we have to seek the advice of a solicitor, and we have to go to a notary to have the title passed, and all that cannot be done without an expense of from ten to thirty dollars in each case. This trouble and expense is what we want to obviate in the North-West, and we expect that if the Torrens system is adopted it will produce the same good effect in our country that it has done in the Australian colonies.

HON. MR. TRUDEL—Would the hon. gentleman state to the House what greater benefit is likely to be derived from this system than from the one we have now in the Province of Quebec as a registration law?

HON. MR. GIRARD—I do not know whether I will be able to answer the hon. gentleman's question satisfactorily, but it is stated to me that there will be an immense difference; all property being looked upon as chattels real, it will make an immense difference in the succession, and in the titles which will be recorded as titles of ownership. I have just shown the inconvenience that exists in the Province of Quebec in consequence of the expense attendant upon the transfer of property, and that is what we want to avoid in a country where we have no time to consult lawyers and spend days and weeks in explanations and searches into titles to land. An important feature to be considered at the present time, is the claims which will be made before long for gold mines and other valuable mining properties; in those cases the deeds will be required to be passed as quickly as possible, and under the proposed system it will be done much more easily than under the existing law. I have read the statements of the authorities in the Australian colonies as to the working of the Torrens system there, and I cannot do better than to quote them to the House to show how it is appreciated in those countries after an experience of it for many years. The Registrar General of Queensland writes "There does not appear to be any difficulty in the working of the Acts as to mortgages and leases." The Registrar General of New Zealand writes "The system of caveat is found sufficient for the conservation of trusts whilst life estates and estates in reversion or remainder are fully capable of definition on the register. In fact the system has so far been found equal to all purposes of conveyances." The Commissioner of Land Titles for Western Australia writes "The system introduced by the Land Transfer Act of 1874 has worked satisfactorily, and has effected an important reform in the law of real property." The Commissioner of Titles, Victoria, writes: "The facilities for carrying out mortgages and paying them off under the Act are very great, and thoroughly appreciated by the public. The expense of either transaction is comparatively trifling." The Registrar-General, New South Wales, writes: "The measure, which was at first received with some degree of suspicion as to its practicability, particularly with regard to the trust estates, has won its way with the legal as well as the lay element of the community. The popularity of the Act is so well secured, and the public generally have become so accustomed to our certificates, and have acquired such faith in their undoubted value, as in many instances to decline accepting a property except the title is registered under what is universally styled the Torrens system." The Recorder of Titles, Tasmania, writes: "I can come to no other conclusion than that title by registration is a simple, expeditious, and economical method of dealing with land, untrammelled by the costly and complex machinery of the old mode of conveyancing."

That is what we expect if the law is adopted in the North-West Territories. I have said that the Bill as it stands is not a perfect one, but it is a measure introducing a perfectly new system of conveyancing, and abolishing the old one, and we must all expect that there will be some difficulties in the commencement; but we have the guarantee that the Government is responsible for the working and operation of the law, and a special provision will be made, by which the Governor-in-Council will be authorized to make the necessary arrangements to render the system workable in the different parts of the Territory where otherwise it would not be operative. The hon. gentleman from DeLorimier has referred to difficulties

which he thinks may arise under the operation of this Bill; that we will be exposed to personation and acts of dishonesty. Such may be the case, but it seems to me that the provisions in clause 115 are sufficient to protect us against all such contingencies. It is within my knowledge that under certain circumstances cases of fraud have occurred in the Province of Quebec; false titles to property have been obtained before notaries, and mortgages have been passed before notaries upon the property of others who were not present at the time they were passed, that could only be set aside by suits at law. We may have some of those difficulties in the North-West. I suppose we will have dishonest people there, as, unhappily, they are to be found everywhere; but it seems to me if this system is adopted it will be most satisfactory to the people of the North-West. I do not feel at all alarmed at the clause which declares that real property shall be treated as chattels real, because I am of the opinion that it will do away with a great many of the difficulties that are experienced in the transfer of property in the older provinces of the Dominion.

HON. MR. POWER—I hope that the Minister of Justice after hearing the strong opinion from members of the House who have given some attention to the subject will not press this 5th clause, which the hon. gentleman himself admits is not part of the Torrens system, and which I do not think is embodied in the system in any of the Australian colonies. It is a very sweeping and radical change in our way of dealing with land. I do not think the Minister has shown any good cause for this revolutionary measure. As a general thing the Minister is very careful about upsetting things which have existed for a long time, and very slow to act otherwise than as they do in England or go much in advance of what has been done in England and other countries, and I am very much surprised to find that in this particular measure and in a very important respect he is willing to go so much further than the law has gone elsewhere. As I understand, it the only place where land has been declared to to be a chattel is Newfoundland.

HON. SIR ALEX. CAMPBELL—Newfoundland and some of the Australian colonies, I really do not remember which.

HON. MR. POWER—It is not the rule in Australia, I think. The Minister read to the committee a little while ago a letter from a gentleman who has been Chief Justice of Newfoundland. The introductory part of that letter gave the reasons why it was desirable to treat land as a chattel in that colony, and that is that land was actually used there as a chattel. The fishermen went and settled for a few weeks or a few months on a certain portion of the shore which they used for fishing purposes, and naturally those fishing stations, as we may call them, which were used only for a part of the year, were dealt with as personal property. We have the same system down in Nova Scotia, as the hon. member from Lunenburg knows. The fishing stations along the shore there are drawn; that is, the water lots are drawn by the fishermen year after year, each fisherman drawing a different lot each year, or each two years. These stations in Newfoundland were not really regarded as land at all, and we can readily understand why the law in Newfoundland was altered to meet that state of things. But the case in the North-West Territories is exactly the reverse. In the North-West Territories the land is the important thing. Personal property out there will count for very little; that is, beyond the live stock on the land; but the important thing is the land, and I think we are making a mistake in diminishing in any way the weight or value of the land or making it more easily disposed of by the original settlers whom we want to keep there and protect. I cannot help feeling that the 5th clause, although it may suit very well loan companies and people of that sort who may be trafficking in land or loaning money upon it in the North-West, is not in the interests of settlers in that country; and it is the duty of a government to protect the settlers as far as they can. I do not wish to go into the general question. The hon. gentleman from De Lorimier did very properly go into it because he was not here when the Bill was read the second time, and he wished to give his views to the committee. I think the Minister might very well give way on this 5th clause at least, because it is a very

sweeping change, and there is no substantial reason given for it.

HON. SIR ALEX. CAMPBELL—Suppose we let that 5th clause stand. I think a great deal can be said in reply to the hon. gentleman, and I will endeavor to do so to-morrow, and also the hon. gentleman from DeLorimier, with reference to the danger of fraud, and so on. My hon. friend has omitted, I think, some provisions of the Act which do away to a great extent with the dangers which he anticipates.

The clause was allowed to stand.

On the eighth clause.

HON. SIR ALEX. CAMPBELL—I am quite ready to express my opinion with regard to dower, but I will pass on if the Committee think proper. I think myself it would be an advantage to adopt this clause. I think that the existence of dower is an obstacle in the way of transferring property—an obstacle which is seldom of advantage to the wife—and that it may sometimes, if she persists in refusing to join her husband in a sale, prevent a transaction which would redound to the advantage of herself and her children.

HON. MR. TRUDEL—I would respectfully suggest this: we have a good deal of experience in our province; there are two dowers, the customary dower and the prefix. The first one has been considered as an obstruction which is created of course by the law; so that this dower exists in our province without a deed and by mere force of law and remains even after a sale by the sheriff. I think that this clause might perhaps be amended in such a way as to have these obstructions set aside, preserving to a certain extent the right of the party to create an interest in his wife's favor.

HON. SIR ALEX. CAMPBELL—That is a separate matter altogether.

HON. MR. TRUDEL—It would be what we call in the French law the *droit prefix*; the husband would declare by a marriage contract that he endows his wife with, say $2,000. Then it might be, as it is under the law of our province, that this special dower has no force unless there is a special registration of it and the property affected by this dower is described: so there is no general obstruction as to the transfer of properties; but this has the effect of the ordinary hypothec on a property. I do not see why a man should not give such a hypothec on the property in favor of his wife when he can do so to a money lender. If he sells his property he sells it subject to the payment of this money to his wife.

HON. SIR ALEX. CAMPBELL—That is not the dower which this clause proposes to abolish. It is the ordinary common law dower which requires a woman's signature to a deed if the husband wishes to sell during her lifetime. Inasmuch as in another part of the Bill we make the husband and wife separate entities altogether, to give her the right to do what she likes with all her real estate, there is no reason why she should have dower on the property of her husband.

HON. MR. LACOSTE—This clause will not prevent a husband giving a mortgage on his property under a marriage contract.

HON. SIR ALEX. CAMPBELL—No, it is just abolishing the common law right of dower.

HON. MR. PLUMB—It is not required under this clause that the wife shall join in a deed with her husband?

HON. SIR ALEX. CAMPBELL—No.

HON. MR. PLUMB—Does not my hon. friend think that that requirement is a salutory check on the husband to prevent him parting with the homestead?

HON. MR. TRUDEL—I do not care much what name is given to it so long as there is legislation which will reserve to the wife and children some right to the property—so long as there is means devised to secure the rights of the wife.

The clause was adopted.

On the eleventh clause,

"11. A man may make a valid conveyance or transfer of his real estate to his wife, and a woman may make a valid conveyance or transfer of her real estate to her husband, without in either case, the intervention of a trustee."

HON. MR. LACOSTE—How is the present law?

HON. SIR ALEX. CAMPBELL—Under the existing law I think it would have been by a complex deed, they would have had to join in a deed to some other party, and then it would have been conveyed to the wife or husband as the case might be.

HON. MR. TRUDEL—We who live in the Province of Quebec can hardly conceive how such a principle should be admitted. We consider that it is opening the door to every sort of difficulty, and one would be this: you create separate interests between the wife and the husband; you pave the way to what happens between strangers who have transactions with each other. It is creating two conflicting interests, and the wife will suffer through the influence which the husband will exercise. She may have an estate perhaps of $100,000, which in the course of a few months will be conveyed by her to her husband, or if she refuses to convey then there will be a conflict between them, as frequently occurs between strangers, and I need not say what the result would be. I cannot conceive that such legislation should be adopted.

HON. SIR ALEX. CAMPBELL—I think my hon. friend has not given much attention perhaps to the course of legislation in England and other countries—save perhaps the Province of Quebec, which I venture to think has been in that respect not keeping pace with what has been going on elsewhere. The tendency of legislation certainly has been to cease to regard the wife as one with her husband—to cease giving him control over her property, and habilitating her with all the power and authority which is necessary or should go to an unmarried woman with reference to her own property. That has been, I think, the course of legislation, and a course which recommends itself to most men of liberal minds—that the wife should be considered in every way, quite as capable of taking care of her own property, and as having a full right to deal with it—to mortgage or sell or do what she likes with it—as if she were not married. This Bill maintains the rights of the wife, and says those rights shall not be covered over by the fact of her being married; that she shall be entitled to retain her property; that she shall deal with her property quite as if she were not married. It seems to me that it is a more liberal way to treat a woman, and a safer way with reference to her character and habits and the formation of her mind and the chances of her being entirely the head of the family, that one would desire to see her. I think such legislation has, in all those respects, a much better effect than the old plan of placing everything in the hands of the husband, giving her no power and making out in fact that she is incapable of protecting herself or dealing with her property, not knowing when she should sell it, or whether she should give her husband any rights over it or not. Now this thing the Bill proposes to do away with. The hon. member from De-Lorimier says, how could it have been done in the past? It could have been done in the way I have mentioned; but it seems to me that dealing with a matter of this kind, and particularly in a new country, there can be no sound reason why the wife should not have her property to herself just as the husband has his property to himself.

HON. MR. WARK—I would just call the attention of the hon. Minister of Justice to what has struck me in this discussion—that the property is dealt with and that it came into the husband's hands. It often happens in a country like this that the husband and wife hold a property which is of very little value—its principal value is acquired by the industry of both. The property may be as much indebted for the value it acquires to her industry and economy as to the husband's toil. Now, if the husband was getting a legacy and the wife was, it would be perfectly right that each should have control of his or her own property, but when property is made valuable by the industry of both jointly, I think that the wife ought to have some consideration, and that the husband

ought not to be empowered to convey it without her consent.

HON. MR. TRUDEL—The Minister of Justice presented a case in this way: he said on one side we have the progress of humanity and one of the greatest countries in the world perhaps, England and her colonies, and on the other side we have the province of Quebec. If the case presented itself in that light I would not utter one word on the subject, but I will tell the hon. Minister that there have been hundreds of millions of people who have occupied a prominent place in the world's history and who are certainly as far advanced in civilization as other nations, who have preserved those principles of law. In one of them, France, they at one period in their history unfortunately adopted most of the sweeping legislation which we seem to follow now, and they were very glad a few years later to remedy a part of their error by returning not to what the experience of centuries had proved to be wrong, but to what it had proved to be the best legislation possible. Now, from what has fallen from the Minster of Justice, and from my hon. friend behind me (Mr. Wark) they are inclined to believe that the system we are advocating places the wife not only under the influence but under the full authority and arbitrary power of the husband. The contrary is the fact. My objection to this clause is because it will place the wife too much under the influence of the husband. According to the French system of law which, to a great extent, is derived from the Roman law—and there are some of its provisions which have been in existence for two thousand years—the wife's estate is placed entirely beyond the arbitrary power of the husband.

HON. SIR ALEX. CAMPBELL—The Bill does that.

HON. MR. TRUDEL—I do not think it. We know the natural influence which a man possesses with his wife, especially if he is a business man, as is the case very often. The wife may be a mere child, without any experience in the world, and if we allow the husband to purchase the property of his wife an unscrupulous man might marry a woman and in six months afterwards have purchased the whole of her property, perhaps worth millions, and hold it in his own name, and he may waste all that property and the wife will be left with nothing.

HON. SIR ALEX. CAMPBELL—My hon. friend forgets that that can be done now, only by a roundabout way, as I mentioned to the hon. member for De-Lorimier.

HON. MR. TRUDEL—It is not impossible; but the contrary is the general rule. We know it was stated the other day that with a silk gown the husband could influence his wife to dispose of her property; and the point is, it may happen sometimes.

HON. SIR ALEX CAMPBELL—My hon. friend does not seem to see that this very thing can be done now. Suppose it was such a case as my hon. friend puts, a man marrying a very young woman and wishing to get hold of her property—he can do it now. Supposing him to have that influence with his young wife, he could make a conveyance to a trustee and afterwards have it conveyed to himself; so that it can be done now, but by a roundabout way.

HON. MR. TRUDEL—What is the necessity of putting the wife in such a position? This law should be amended in such a way as to preserve the rights of the wife. It was one reason why I said we should not proceed in that way before having fully studied the question.

HON. MR. KAULBACH—Under the existing law there must be proof that there is no compulsion. We know that there are many cases in which the wife is not subject to punishment because of the influence of her husband. For instance in the case of larceny she is presumed to act under the coercion of her husband, and therefore crime is not imputed to her. In this case I think there is a great deal in what the hon. gentleman says.

HON. SIR ALEX. CAMPBELL—Under the existing law such transfers can be made through a trustee, and why should you not allow it to be done without a trustee? Why should you not recognize

fully and frankly that the wife is as able to take care of her property as the husband is?

HON. MR. POWER—I think this clause allowing husband and wife to transfer property to each other is likely to be made use of for the purpose of defrauding creditors. A man finds himself getting into difficulties, and the principal means of satisfying his creditors is his land. Under this law he transfers his property to his wife and the creditors may whistle for their claims. As soon as the deed is registered under this Act the creditors are completely shut out. Then, although, undoubtedly the relative positions of husband and wife are altering, I think that always, or at least for a long time, the average wife will be very considerably under the influence of her husband.

HON. SIR ALEX. CAMPBELL—I hope the average wife will continue to be considerably under the influence of her husband.

HON. MR. POWER—I would suggest to the Minister of Justice, if he does not see his way clear to strike out this clause altogether, that he should provide at any rate that the conveyance from a wife to her husband should be accompanied by a statement that she has executed the deed freely, and without compulsion. I think such a check as that is necessary, because otherwise there is nothing to hinder a brutal husband from threatening his wife with bodily violence if she does not sign a deed. Under this Bill he goes at once with the deed to the registry office and has it registered and the property is his. I think it is worth the Minister's while to consider this point. I do not know how the law is in Ontario, but I think it is the same as in Nova Scotia. In our province, although the husband and wife are made separate for many purposes under the Act recently passed there, still they cannot convey directly to each other.

HON. SIR ALEX. CAMPBELL—We all have been more or less mixed up in these transactions, and which of us has ever known a wife to be forced by her husband to sign a deed?

HON. MR. KAULBACH—There may be many cases that do not come to our notice.

HON. MR. HAYTHORNE—There was one reported in the English papers the other day.

HON. MR. LACOSTE—According to the laws of Ontario, if I understand what the Minister of Justice said a moment ago, the sale cannot take place directly, but it can take place through a third party. The wife must transfer the property to a trustee, and the trustee to the husband, if the wife sells. I find in this a guarantee. There is a third party there who can judge whether the wife is defrauded or not. Of course, according to my view of the principle of the law, I would be altogether against this clause; but after what has been said, that this is done indirectly through third parties in the Province of Ontario under the English system, I am not so much opposed to it, but I really find it is a guarantee to do it through a trustee, instead of making a transfer from husband to wife, and wife to husband, directly.

HON. MR. GOWAN—The chief objection seems to be that a young wife might be influenced by her husband to divest herself of all her property. I think it is more likely that a young woman would influence her husband to get rid of his property, and I think those who have taken this objection must be bachelors, or they would not hold such an erroneous view. They certainly have not read Bumble's account of the powers of woman. The Bill provides that this may be done directly which is now done indirectly, and the creditor is not one whit worse in this position than he would be under the present law. On the contrary a transfer of the kind would be attended with more suspicion and would be more closely watched by the courts, and I think the position of the creditor would be better.

HON. SIR ALEX. CAMPBELL—And he would be far more likely to use his wife for the purpose of defrauding his creditors, under the present law.

HON. MR. GOWAN—I think the law as it stands is more susceptible to be used

for defrauding creditors than this. The hon. gentlemen say, "protect the wife;" but why not protect the husband as well?

HON. MR. PLUMB—I object to the whole tenor of this kind of legislation in weakening the position of the wife in respect of the land on which the family live. I do not accept the argument of my hon. friend in regard to Mr. Bumble, and I do not think it is a matter that can be treated with that sort of levity.

HON. MR. GOWAN—I do not treat it with levity.

HON. MR. PLUMB—I do not think it is desirable to facilitate the power of the husband to part with the property on which he and his wife live. My great objection to the whole scope of the Bill, so far as we have gone, is that it renders the transfer of land more easy to any man who desires to get rid of it, or may be improvident, extravagant or neglectful; and there is always a salutary check in the wife, who is the conservative element in the family, almost always, as my hon. friend knows. I am not speaking of the wealthy; I am speaking of the poorer people, who may have nothing else except the homestead, and I say it is a very dangerous principle to adopt to permit the transfer by the party who owns that property, where any safeguard can be adopted to protect the woman and her children.

HON. SIR ALEX. CAMPBELL moved that the Committee rise and report progress and ask leave to sit again.

The motion was agreed to.

HON. MR. READ, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

BILL INTRODUCED.

Bill (10) "An Act to reduce the stock of the Federal Bank of Canada, and for other purposes."—(Mr. Allan.)

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Wednesday, March, 11th, 1885.

The SPEAKER took the Chair at three o'clock p. m.

Prayers and routine proceedings.

THE SMITH DIVORCE BILL.

REPORTED AGAINST BY THE SELECT COMMITTEE.

HON. MR. GOWAN, from the Select Committee to whom was referred the Bill intituled "An Act for the relief of Charles Smith," reported recommending that the Bill be not passed, on the ground that there had been collusion and connivance between the petitioner and his wife to obtain a separation. He moved that the report be taken into consideration on Wednesday next.

The motion was agreed to.

DREDGING THE MOUTH OF RED RIVER.

INQUIRY.

HON. MR. SCHULTZ inquired whether it is proposed to continue the dredging of the navigable mouth of the Red River during the coming summer, and will any work with the dredge be undertaken elsewhere, and if so at what point?

HON. SIR ALEX. CAMPBELL—In reply to the question which my hon. friend has put, I beg to say that the sum of $10,000 has been placed in the estimates for 1885-86 for expenses of the dredging plant in Manitoba. This plant was provided specially to open the mouth of the Red River, and it will be continued on that work during the ensuing summer, and, if the appropriation allows it, the Government will consider whether any work can be undertaken elsewhere in that Province.

REAL PROPERTY, NORTH-WEST TERRITORIES, BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole the consideration of Bill (A)

"An Act respecting real property in the North-West Territories."

In the Committee,

HON. SIR ALEX. CAMPBELL—I beg to suggest to the Committee, as a means of saving time, that the clauses on which differences of opinion have arisen on principle, and which have been discussed partly when the Bill was up for second reading and partly when it was in committee when we last met, should be passed over, and if the committee agree to that we can pass over clause 11 which provides for the transfer of property from the husband to the wife, or *vice versa*. It created some discussion, and if we can allow it to stand and go on with the clauses which provide for the Torrens system proper, we will save time. On the 12th clause I do not think there will be any difference of opinion. Its object is to abolish the estate tail, and to substitute for it the fee simple. That has been the course of legislation in all English speaking provinces. I do not know as to Quebec, but I think that we do not wish to create entailed estates in this country, and the present tendency in England is to do away with them. We can now in Ontario and in the country for which this Bill proposes to legislate cut off the estate tail, so I suppose the House will not dissent from that clause. I therefore move the adoption of it.

HON. MR. SCOTT—As I read the clause, particularly the last three lines, it is much larger than the interpretation of it given by the Minister of Justice. The last three lines are as follows :—"But the land, whatever form of words is used in any instrument of transfer or transmission or dealing, shall be and remain an absolute estate in the owner for the time being."

The clause sets out with the proposition that the entail is not to be allowed, but it also carries with it this proposition that no kind of limitation is to be permitted. A limitation for instance to convey property to A for ten years or for life and to B in fee is not to be admitted. If the House is prepared to adopt the Torrens system, then as a matter of course the hon. gentleman's proposition will follow, but I think myself that what we all desire to secure by this legislation is a simple system of transferring property, and that can be accomplished without doing away with dower or the right of an owner to devise his land as he pleases. A very common devise—very common in Ontario at all events—is to leave the property to the wife for life and at her death to one of the sons, or perhaps to unmarried daughters. It seems to me that that principle ought not to be disturbed or interfered with, and that we can obtain what is sought by this Bill without such interference. The object of the measure, as described by the Minister of the Interior, was to introduce some simpler form of conveyancing which would cost less and could be more easily carried out. All that could be accomplished without interfering with dower or the devising of land in the way I have described. I notice that the principle of this Bill, so far as conveyances are concerned, has been introduced elsewhere and that these objectionable clauses have been eliminated from it. I think that when we set out to provide a simple, cheap and quick way of transferring lands, it does not follow that we should make all these sweeping changes.

HON. SIR ALEX. CAMPBELL—It does not follow at all.

HON. MR. POWER—If those words were stricken out I think there would be no objection to the clause.

HON. SIR ALEX. CAMPBELL—The clause was taken from the Australian Act, but it does not seem essential to the Torrens system. If the suggestion of the hon. member from Halifax is adopted, we might strike out all after the word "tail."

HON. MR. DICKEY—I may say in confirmation of what has fallen from the Minister of Justice, that for the last thirty years or more there has been no entail in Nova Scotia, and I have never heard any objection, nor am I aware that there has been any attempt to repeal the existing law. It has been found to assist the transfer of lands and simplify titles by abolishing that ancient mode of limiting them by entail. As we are all agreed upon that principle I think we had better strike out the three last lines and adopt the clause.

HON. MR. TRUDEL—As the clause is framed, the possessor of the property will have it absolutely, although he may have acquired it subject to the obligation that he should leave it to his son. If he is the absolute proprietor he is not obliged to leave it to his son, and may sell it, and the practical object of substitution is lost. I do not think we should pass the clause as it stands.

HON. SIR ALEX. CAMPBELL—I am afraid that it will be impossible to adopt the view of my hon. friend without going back on the legislation of many years in the English speaking colonies. The hon. member from Amherst has stated that it is the law of Nova Scotia as well as of Ontario. It has been considered that these entails are objectionable and that the man in possession for the time being should have the right to sell the property. In England at this moment if the tenant in possession and the tenant in expectation unite they can sell, and cut off the entail.

HON. MR. SCOTT—Under the law of the North-West Territories now you could not create an estate tail.

HON. SIR ALEX. CAMPBELL moved that all the words after "tail" to the end of the clause be struck out.

The motion was agreed to and the clause as amended was adopted.

On the 13th clause,

HON. MR. POWER—I hope the hon. Minister will allow this clause to stand so that if he should afterwards decide to strike out the 11th clause he may add a few words to this to prevent the transfer of land direct from the husband to the wife or the wife to the husband.

The clause was allowed to stand.

On the 14th clause,

HON. MR. POWER—If the committee will allow me I will read the following letter which appeared in this morning's *Citizen* :—

SIR,—The proposed legislation in regard to the North-West, introducing the Torrens' system of land transfers is not desired by and would be most inconvenient for the people here, unless the Government intend to appoint about twenty more registrars. As no movement has been made by the people here, it is beleived that all the influence so far brought to bear upon the government has been through the exertions of a company, whose base of operations is Toronto, and who, whatever their actual interest is in the country—entirely perhaps a gambling one—should not alone be heard upon this matter. The proper thing it seems to me for the government to do is to give—if they have not already—to the North-West Council, power to legislate upon the matter. As to the system itself, it would be most unsuitable to this country, for one reason alone, viz: that registry offices are upon an average 200 miles apart, and if the transferee's title is to depend solely upon registration, this will be a most inconvenient method of transfer. Take the case of a transfer at Carleton or Duck Lake: it will be necessary to travel to Battleford, a distance of 120 miles, in order to get "title" completed. It is therefore expected that the government will duly consider the propriety of passing finally upon the matter at the present time

Yours, etc.,

A SETTLER.

N. W. T., Feb. 25th, 1885.

HON. MR. GOWAN—I should like to know whether it is intended to exclude Keewatin from the operation of this measure?

HON. SIR ALEX. CAMPBELL—It is. No provision will be made for Keewatin or the Peace River country at present In reference to the letter which the hon. member from Halifax has read he must bear in mind that the difficulties of registration are not increased by this Bill. Under the present law a man who wants his deed registered has either to travel those 200 miles or send his deed by mail, and he will have to do the same under this Bill. It does not increase the difficulty in any way.

HON. MR. POWER—The writer says that the legislation is asked for by parties in Toronto.

HON. SIR ALEX. CAMPBELL—As I said when I proposed the second reading of the Bill, a similar measure—perhaps not exactly, but very nearly similar—was introduced in the North-West Council, and would have been passed there had time permitted, and had the Council been

sufficiently full of members who were accustomed to deal with laws to justify them in passing it. I had that information from a member of the Council, who stated that on the occasion when the Bill was introduced there was a unanimous expression of opinion in the Council in favor of it. As to its not being asked for by the North-West Territories that is quite true; but, as I have mentioned to the committee, the Council, or governing body there, have expressed their opinion in favor of it. As to its being pressed forward by people in Toronto, I believe there is a society there which has taken a very active part in advocating the adoption of the Torrens system, and the president of the society has delivered a lecture about it, but I do not know that it should make us object to the Bill in any way. It should not prejudice our minds against the Bill that certain persons in Toronto approve of the system.

HON. MR. SCOTT—It really brings up the question which I raised in the debate on the second reading of this Bill.

HON. SIR ALEX. CAMPBELL—Which does?

HON. MR. SCOTT—The point raised in the letter which has been read by the hon. gentleman from Halifax. I made the statement in my observations on the second reading of the Bill that I did not approve of a Bill of this kind, being pressed on the people of the North-West at the instance of loan societies, because that is what it is when you come to boil it down. I do not think there are ten men in the North-West to-day who could give you an explanation of what the Torrens system is. There are numbers of loan societies who want to lend money, and this Torrens system of land transfer, if adopted in the North-West, presents the best opportunity for doing it. They can lend money at once on those certificates being filed, and it was a warning note I gave when I said that we were passing this Bill in the interest of loan companies, and not in the interest of the people of the North-West, by giving them increased facilities for borrowing money and mortgaging their land. I have no hesitation in saying that the effect of passing this measure will be that in ten years the number of mortgages that will have been registered under this Bill will be four-fold the number that will be passed if we allow things to remain as they are. People who go out to the North-West from Ontario, France, Germany and elsewhere, go there with different notions altogether of the princples of land transfer They are a conglomerate people. They are only recently thrown together, and they have not had time to compare notes or adopt a system, and on the second reading of this Bill I threw out the hint to the House that it did seem somewhat extraordinary that we were willing to impose a system of law on the people of the North-West that we would not adopt ourselves—for I do not hesitate to say that I would give the warmest opposition myself to adopting it in Ontario. The people of the North-West are unrepresented in this Chamber, and I do think, fairly speaking, that it is a monstrous proposition, unless it is called for by some considerable portion of the people in the North-West, to force such a system on that country. The Minister of the Interior urged on behalf of the measure that it was giving a simple and inexpensive system of land transfer. I am perfectly willing to go into any similar system they have there now, and if he can point out how it can be simplified, or reduced in any way I will cheerfully assist in doing it; but I do think that the adoption of that in no way carries with it the larger and more important proposition that we should revolutionize the system that those people are familiar with out there, and when my hon. friend from Halifax read this letter to the House this afternoon, I felt that it was entirely in accord with my own opinion, and hon. gentlemen will bear with me when I say that I was exceedingly cautious and guarded in speaking on this subject on the second reading of the Bill, and I then stated that we are simply adopting this system in the interest of the lender.

HON. SIR ALEX. CAMPBELL—I do not think we have ever heard my hon. friend use more fallacious reasoning than he has done on this occasion. The question is not what the loan societies desire; the question is, what is the best thing to do for the people, and for the titles that exist

in the North-West. It is not whether the loan companies desire this, or whether they do not desire it, that is the question before the House. That a certain society in Toronto, of which this gentleman, Mr. Mason, is the president, have taken an active part in promoting this Bill is quite true; that it may facilitate their operationns is also quite true; but these are not the motives that are actuating the Government and the House. The motive that is actuating the Government and the House is simply this: is this a good Bill to introduce in the North-West? The hon. gentleman might as well say with regard to any other act that we want to introduce in the North-West, that the people have not asked for it. When a system of government was established there, we extended to the North-West the operation of a score of laws belonging to the Dominion.

HON. MR. SCOTT—Yes, our own laws.

HON. SIS ALEX. CAMPBELL—Yes, but did anybody in the North-West then ask for them? If my hon. friend had wished to oppose them then he might have said with as much logic as on the present occasion, why impose those laws on the people of the North-West; they have not asked for them?

HON. MR. SCOTT—But it was our own law—it was law that we had imposed on ourselves.

HON. SIR ALEX. CAMPBELL—There is no, "our own law" about it; the law of Ontario is not our own law in the North-West; the law of Quebec is not the law of the North-West, but it is such law as the Parliament of the Dominion saw fit to put in force in the North-West is the law there, and among the rest we put in force there a number of statutes that I venture to say the people had never heard of, and the same fallacious reasoning that the hon. gentleman uses now might have been urged then against them. Of course we do not pretend that people in the North-West understand the Torrens system; we do not, many of us, understand it ourselves, and I confess that I do not understand it altogether; but I say it is a simple form of transferring land, and it is not because the loan companies desire it but because this law is a plain, simple and inexpensive system to introduce into that new country that we propose to adopt it. That is the question, and according to my judgement it is a good system, and we have those gentlemen who are best able to speak for the North-West, among them the hon. gentleman from Manitoba, who say that this is a measure that will be most useful and convenient for the people of that new country. It is true they have not asked for it, but we are obliged to legislate for them according to our best knowledge of their requirements. It is not a question of extending our own laws there; it is a question of giving or not giving to the people the very best system that can be devised for the purpose of enabling them to deal with their lands. I am bound to say that very few of them understand the Ontario system; that there is not a man in the North-West who knows whether a deed if registered cuts out a non-registered deed with or without notice, and therefore I say the same objection might be urged against the present system that is now urged by the hon. gentleman against this Bill. But my hon. friend says, "leave it to the Council of the North-West." The Council of the North-West have already indicated their opinion; such a Bill was submitted to the North-West Council.

HON. MR. SCOTT—I would not leave it to the Council of the North-West, to be acted on by outside opinions; I would leave it to the people.

HON. SIR ALEX. CAMPBELL—The people can only express their feelings through the Council. One portion of the Council is elected and the other portion is nominated, and the elected part of it have spoken in favor of this Bill, and that is the reason that it is now introduced, and not because of eagerness, if there be eagerness, on the part of those supposed to be interested. The question for the committee, I think, is simply whether this is a good, safe and simple system to introduce into the North-West, and if so I think we may very prudently and wisely adopt it, and I think we are bound to go on with it; so long as we legislate for the North-West it is our duty to give them the best system we can. Is not my hon. friend,

the Minister of the Interior, engaged from week's end to week's end in endeavoring to do all he can for the North-West, and is it not his duty and the duty of the Government to give the settlers there every facility to enable them to deal with their lands and promote settlement? Will it not promote settlement there if the people find that the transfer of land titles is easy, and they can acquire property without much expense? Will it not be a good thing to say to the people in England, "Go to the North-West, you will have good land there, and you will not have the difficulty that you have at home, you will be able to get a deed for your land without expense or delay."

HON. MR. SCOTT—They can do it now.

HON. SIR ALEX. CAMPBELL—But not with so little expense, and therefore it is not right for my hon. friend to argue that it is not asked for by the people of the North-West Territories. That argument is fallacious, and should not sway the committee at all. The only question to be asked is whether it is a good system? Is it a system that ought to be adopted there? And will it be useful if it is adopted?

HON. MR. SUTHERLAND—I am very much surprised at the opposition that has been shown by the hon. gentleman from Ottawa in regard to this Bill, and especially at his saying that the people of the North-West could not understand this measure. I had occasion this last summer to be out a good deal in the North-West, and I have spoken to several gentlemen out there, farmers and others, and every one that I spoke to about this measure seemed to be most anxious to have it, because they find very great difficulty in carrying out land transfers now on account of the trouble of getting the services of gentlemen of the legal profession to draw out their papers—that they could easily buy or sell their lands if they had a ready way of getting a secure title. With regard to this letter in the Ottawa *Citizen*, quoted by the hon. gentleman from Halifax, I question very much if it has not been written here in Ottawa. That is my impression, and I do not think there is anything in it. As to the fear expressed by the hon. gentleman from Ottawa that under this measure the people will be too ready to mortgage their farms, I think they have already had sufficient experience of that in their dealings with agricultural implement agents, and most of them will be very careful before they mortgage their properties again.

HON. MR. KAULBACH—I am very much surprised at the opposition shown by the hon gentleman from Ottawa to this Bill, because I really thought on the whole that he favored the principle of it on the second reading. He seemed to feel a little doubtful about the wisdom of making incumbrances on property so easy, but on the whole I thought he was rather in favor of the measure. I never was more surprised than to see the sudden revulsion of feeling on the part of my hon. friend on the reading of the letter which appeard in the morning's *Citizen* by the hon. gentleman from Halifax.

HON. MR. GIRARD—With all deference to the views expressed by the hon. leader of the Opposition, I do not hesitate to say that I hail with great satisfaction the introduction of this Bill, but I look upon it as the duty of the Government to introduce it at the present time when we are informed that there are only about three hundred patents issued in a country where there is room for twenty million of people. It is wise and prudent that we should now adopt a system by which the title to land shall be made secure in that country. It is well known that the lands of our North-West are open to the whole world. We find people going in there from Germany, France, Spain, and every nation in Europe. They all come with a knowledge of their own systems, but they do not know how property is managed in this country; they are strangers to our system, and that is a reason why we should give them a law by which they can all know exactly how they stand with regard to the title to their property. They will find in this Bill all the necessary provisions to secure their title, and to render transfer easy, safe and inexpensive. I know that the Torrens system if not well understood, is at least desired, not only in the North-West Ter-

ritories, but in Manitoba; and I think that during the present session a Bill will be introduced in the Legislature there to bring the Torrens system into operation in that province. The object of our being here as legislators is to devise means by which the security of society will be ensured. I remember when the registration law was introduced in the Province of Quebec after the troublous times of 1837—I think it was in 1840 that the Bill was passed by the council which was then the legislative body of the province. The people were opposed to the registration law, and if they had been consulted at the time, it would never have been introduced. The legislature had to force it on them, but now that we have had the benefit of it, we would not be without it under any circumstances. I think the people of the North-West will be satisfied with the proposed system, and if the Bill is passed it will be hailed with pleasure by the whole North-West Territories.

HON. MR. GOWAN—The hon. gentleman from Ottawa seems to think that the system finds favor only amongst the loan companies in Ontario. I know that throughout the country, so far as my experience goes, it finds favor amongst a very large number of professional men who will be seriously injured, so far as fees are concerned, by its adoption. My friend, the Attorney-General for Ontario, I have every reason to believe, favors the Torrens system, but he is unwilling to adopt it generally throughout the province without first trying it in one locality. The tendency of his mind has been long in that direction. I think my hon. friend from Ottawa will recollect the letter addressed by Mr. Mowat to Sir John Macdonald a good many years ago on this question.

HON. MR. SCOTT—Does it embrace the principles that are embraced in this Bill?

HON. MR. GOWAN—Analogous principles—principles subsequently embodied in the Quieting of Titles Act.

HON. MR. SCOTT—Did the Attorney General of Ontario favor the provisions of this Bill?

HON. MR. GOWAN—I said that his mind ran in this direction—not altogether with regard to its details, but he seems desirous that the system should be adopted generally—at all events if newspaper reports are correct he proposes to introduce the system into one county for trial. I do not know what the feelings of the people may be in this locality, but I know among the professional gentlemen it finds favor in Western Canada.

HON. MR. BELLEROSE—As a layman I am very little inclined to take part in the discussion on this Bill. It seems to me that it is better in the hands of men who are conversant with the law; but though a layman I have ears to hear, and I have intelligence to judge of the merits of the arguments used by hon. gentlemen, and I have yet to be convinced that we ought to legislate in this direction, even though the people of the North-West do ask for such a law. I find no argument in that, because the population of the North-West is yet very small, and I say that the representatives of the people in both Houses of Parliament have to look to the interests of the population which will go in there from the different provinces of the Dominion. As to the other argument that our North-West will yet be settled by people from all parts of the world, it may be so; but a great part of that population will come from our own provinces, and in our own provinces this system is not known or acknowledged, and the people coming from France or England, or from any other part of Europe, will be brought face to face with a system that is known nowhere on the other side of the Atlantic. The question we should ask ourselves is whether this law is a good one in itself or not? For my part I think it is not, because in my opinion it is opposed to every principle hitherto recognized in sound legislation. There is the great principle which comes under the natural law, the principle of proprietorship and vested rights, which is not acknowledged here. I believe that if this Bill was made into a registration measure, it would be a very effective law for the North-West; but if it is allowed to go further than that I consider it is a dangerous Bill, as it does away with principles upon which the law of the world is

based. This is a serious consideration, and I think the hon. gentleman from De Salaberry was perfectly right when he suggested that the other part of the Bill should be allowed to stand over for another twelve months for further consideration. This is the opinion I hold on this Bill, but I did not like to urge it because I thought it might be one which would not be worth much; but having heard the arguments on both sides sides of the question, I feel convinced that the opinion I formed after reading the Bill was well founded, and that I may freely express it. I hope before the committee reports the Bill that the discussion will be adjourned until next week so that there will be a better expression of opinion upon it in a full House.

The clause was adopted.

On the twenty-second clause,

HON. MR. SCOTT—Would it not be well that the registrars should furnish the same kind of security as other officials? It is much more satisfactory, I think, to the Government and every officer ought to pay out of his own income the fees for his sureties.

HON. SIR ALEX. CAMPBELL—We might amend the clause by inserting the words "any guarantee company" in the second line.

The clause was amended accordingly and adopted.

On the twenty-sixth clause,

HON. MR. O'DONOHOE—Why should the registrar be required to furnish only copies of uncancelled documents? I think it would be better to strike out that word "uncancelled," because although an instrument may be cancelled in the registrar's office, it may at times be necessary that a copy of it should be had.

HON. SIR ALEX. CAMPBELL—He must give a copy only of the document that is in force. If it is not in force he could not give an abstract from that.

HON. MR. O'DONOHOE—But suppose it is required in court?

HON. SIR ALEX. CAMPBELL—If it is in the registrar's custody he will be obliged to furnish it of course, but if it is cancelled it can be of no further use. A cancelled document could hardly be evidence.

HON. MR. KAULBACH—It might be.

HON. SIR ALEX. CAMPBELL—After it is cancelled it is no longer an official document. Then, again, the language of the clause has been copied from the South Australian Act, and they have had some twenty or thirty years' experience of it, and I am unwilling on that account to alter it. One cannot see why a registrar should be called upon to furnish copies of, or extracts from documents which have been cancelled.

HON. MR. POWER—There may be a charge of fraud, for instance, having been employed in procuring the last document, and it may be necessary for the purposes of the party who is trying to establish that fraud that he should be able to see the character of a previous conveyance.

HON. SIR ALEX. CAMPBELL—He could always have resort to a subpœna.

HON. MR. POWER—Why should he be obliged to do that? I think he ought to be able to get a copy of a previous document on payment of the legal fees. Suppose a man has deeded away his property to somebody else; if any question arises as to the validity of that deed there is no difficulty under the present system of getting a copy of the previous deed from the registrar's office. I do not mean to say that the Minister is wrong, but it has not been made clear to me that my hon. friend from Toronto is not right.

HON. SIR ALEX. CAMPBELL—I do not understand on what basis or principle you are to ask the registrar to give an exemplification of a document which no longer exists.

HON. MR. KAULBACH—If the registrar is paid a fee for it there can be no objection.

HON. SIR ALEX. CAMPBELL—I see no objection to it except that this provi-

sion of the Bill has been tried in the South Australian colonies and we should not depart lightly from what has been used there without injury.

The clause was adopted.

On the twenty-eighth clause,

HON. MR. TRUDEL—I do not see why the responsibility of the registrar and his deputy, or any person acting under the registrar's authority, should be removed. It seems to me that this clause gives an unlimited impunity to all who are working in such an office, although, as a matter of fact, they will have in their hands the fortunes of citizens. I can understand why the registrar himself, who exercises judicial functions, should not be responsible for damages for *bona fide* acts, but in the case of mere officers, in all countries of the world, as far as I know, if they are guilty of wrong-doing an action for damages lies against them. An officer always has an opportunity to defend himself, and if he can show that he has acted in good faith and in such a manner as to justify his conduct, he will not be condemned to pay damages, but under this clause the burden of proof is thrown on the proprietor, who will be obliged to prove bad faith on the part of the officer. I think it would be a sounder principle to require the officer to establish that he acted in good faith.

HON. MR. KAULBACH—I think the clause is better as it is. The officer acts in a judicial capacity and certainly should not be made responsible for any wrong that he may do in so acting. You would not impugn a judge for giving a judgment not consistent with law.

HON. MR. TRUDEL—To a certain extent the office of the registrar is of a judicial character, but only to a certain extent. Under our system in the Province of Quebec, our prothonotaries, in a great many cases, act judicially and sometimes have concurrent power with the judges, yet they are liable for damages which their actions may cause.

HON. SIR ALEX. CAMPBELL—Not if they act in good faith.

HON. MR. TRUDEL—They are obliged to justify themselves. The difference in the two cases is this : under this clause it rests with the complainant to prove that the officer has acted in bad faith, and it is always difficult to establish what an officer s intention is ; on the other hand, the prothonotary is obliged to prove that he has acted in good faith to justify himself, and it is far easier for a man to justify himself than for another to prove that he has acted in bad faith.

HON. SIR ALEX. CAMPBELL—I think the registrar and his officers are entitled to this protection, which requires the party accusing them to establish that they acted in bad faith.

The clause was adopted.

On the 30th clause,

HON. MR. POWER—Considering the very great power given to the registrars under this Bill, I put it to the Minister whether he does not think that a qualification of three years professional standing is too little ? I notice in Mr. Mowat's Bill, introduced in the Ontario Legislature the other day, that the Master of Titles, at any rate, who is to be at Toronto and to do the work that the registrars are required to do under this Bill, must be a barrister of at least ten years standing. That would be, of course, too much to ask in the North-West, but I think that five years would be not an unreasonable thing to ask, because it is doubtful if three years' practice would be much of a guarantee.

HON. SIR ALEX. CAMPBELL—I have no objection to make it five years, but three years was adopted after consultation with Mr. Richardson, who has been in the North-West for some years, and is a stipendiary magistrate there, and knows much better than I do what is practicable and best in that country.

HON. MR. KAULBACH—I think it should be five years. You can hardly tell in three years what a lawyer will be.

HON. MR. ALMON—I think the number of years that a man has practiced the

profession is a poor way to gauge a lawyer's ability, because if he is a fool at the end of one year he will be a greater fool at the end of three years.

HON. SIR ALEX. CAMPBELL—I must say on behalf of the profession to which I belong that we know more when we have been five years at the bar than when we have had but three years practice.

The clause was adopted.

On the 31st clause,

HON. MR. PLUMB—My hon. friend read the other day the opinion of a judge in Newfoundland, who spoke of the system of caveat as being quite sufficient for the conservation of trusts. Now, I would like to know how far the depositing of a notice of trust with the registrar will affect the transfer of lands. The registrar merely puts it on fyle; is that sufficient to stop the conveyance of the land?

HON. SIR ALEX. CAMPBELL—Yes, for a month, and in the meantime an application can be made to the courts. I think the House will allow me to read a few words from a work of F. G. Duffy; the edition is by him. but the work is by Mr. Thomas àBeckett, and it gives better than I can the reasons why the Torrens system does not recognize trusts. The passage which I am about to quote will be found in chapter 19 of his work; it is as follows:—

A proprietor may settle his property by creating any estates in it for life in remainder or in tail, in the same manner as under the general law, and restrained only by the same provisions against perpetuities; he is allowed even greater facilities, as he need not resort to the technicalities of limiting uses, or creating any precedent or particular estate to support an estate in remainder (*a*). But there is this marked distinction between the statute and the general law—that the statute will not, by registration, recognize a trust or permit the separation of legal from beneficial ownership for the purposes of dealing (*b*). The trust may be created as between the parties to the instrument in any manner they please, as under the general law; and a copy of the trust deed may be deposited with the Registrar for safe custody and reference (*c*). The land may be reached by the trustee, although the trust will not be attached to the land in such a manner as to be enforced against a person acquiring it, without fraud on his part; and knowledge of the trust will not in itself be imputed as fraud (*d*). The principle of the Act in this respect appears to be to shift the onus of the action and responsibility from the purchaser, who is not interested under the trust, to the beneficiary, who is, and to enable the beneficiary to protect himself by proceeding against the trustee, when an improper dealing is contemplated, rather than by remaining inactive to rely upon the purchaser's knowledge of his rights as a safeguard against their violation.

It will be remembered that a *cestui que* trust may enter a caveat under which we will receive notice of any dealing with the trust property in time to stop it (*e*), and that the commissioner of his own motion may cause a like caveat to be entered to protect the interests of persons entitled, but unable to question the transactions of the legal proprietor (*f*), and may also protect in any way he thinks desirable the rights of the persons beneficially interested, or require the concurrence of persons whose consent may be necessary to the exercise of powers (*g*).

I notice in Mr. Mowat's Bill, a copy of which the hon. member from Halifax was kind enough to lend me, that he makes an additional provision with regard to trusts and provides in the Bill that some notice shall be taken of the trust by marginal note. The provision is substantially the same as we have got it in the Bill before us, but there is some additional provision which seems to me to be a good one and which I am willing to incorporate in this Bill.

HON. MR. KAULBACH—That is just what I suggested; I think the entry should be on record of the trust; as regards the fiduciary having a right to take action, we know that fiduciaries are often minors and not able to look after their own affairs, and there is therefore greater reason why the caveat should be entered on the record.

HON. MR. PLUMB—It seems rather hard that those who are to be benefited by the trust should have to take action and that the purchaser should not have to buy at his own risk, I observed in the letter from a judge in Newfoundland, that he spoke of administrators and said in the execution of their trusts the heirs or devisees would be protected by the bonds of responsibility of the administrator, but he was very careful not to say anything about an executor who does not give bonds. Therefore that part of the argument falls to the ground, but he expressly stated that

the notice was a sufficient protection; the words he used I think were that the existence of a caveat was quite sufficient for the conservation of trusts. Now if there is to be no notice of these trusts to the purchaser, but those who are beneficiaries under the trust are to protect themselves, there should be notice on the record, and I think my hon. friend will see that it might be desirable to afford some protection other than that of merely depositing a notice, which is declared not to be a notice, which shall bind the purchaser. I think there might be some way devised by which minors and others would be protected.

HON. SIR ALEX. CAMPBELL—The committee will remember that the words "no survivorship" are to be entered where there are two trustees. Mr. Mowat adopts this language:—

"In such a case the words 'no survivorship' in the entry shall be construed to mean that in case any of the owners should die, no registered disposition of the land, or charge, shall be made except under order of the court."

Now that is a great additional safety. Then if a man appoints two trustees and the words "no survivorship" are entered—as a matter of course under the Act it would be the duty of the registrar to do that—if both trustees are not there to act for the trust, neither of them can dispose of the estate.

HON. MR. PLUMB—That meets the case in part, but suppose there are not two trustees?

HON. SIR ALEX. CAMPBELL—I think for the most part there are two trustees named, and certainly if there are two that is a great protection. If the committee concur, I would introduce that as an additional safeguard.

HON. MR. PLUMB—It seems to me if the principle is recognized, the committee ought to go further and not jeopardize a claim because there happens to be only one trustee.

HON. SIR ALEX. CAMPBELL—You cannot go further without recognizing trusts, which the Torrens system does not do, and they are in Ontario adopting the same views as to the advantages or disadvantages of it, so I think with that protecting clause it would be safe enough.

HON. MR. POWER—I think the general feeling of the committee is in favor of adding the words quoted from the Mowat Bill. That evidently does away with a great deal of the objection to this clause.

The clause was allowed to stand.

On the 32nd clause,

HON. MR. TRUDEL—I understand that we are aiming all the time at creating a cheap system by which parties will be saved expense, and it seems rather hard that the registrar should have the right to require a plan of any land within his district to be registered. It is imposing a heavy burden on the proprietor and I think it should be provided that where a plan is necessary it should be made at the expense of the Government.

HON. SIR ALEX. CAMPBELL—I do not concur in that view. The smallest sub-division made under the Government survey is a quarter section of 160 acres. Suppose a man owns land which he desires to divide into town lots, the first and most essential step for him to take is to prepare a plan. It would not be fair to impose the cost of that on the Government. If he wishes to go on with his speculation he must have a plan, and that ought to be registered for the safety of those with whom he has to deal.

HON. MR. TRUDEL—In the Province of Quebec in such a case it is the duty of the proprietor to have a plan; but here the registrar may oblige any owner of land within his district to deposit at his office a plan of such lands. There is no restriction to that power.

HON. MR. POWER—There is a proviso at the end of the clause that it shall not be necessary in the case of lots in a city, town or village, the plan of which has been registered. That is, as the Minister of Justice has suggested, to meet the case of a man who wishes to lay the foundation of a village; he can register the

plan and can then sell lots without making a further plan, but I think the cases must be very few in which a man selling a farm lot ought to be required to make a plan of his property. He should only be required to do so in case it is necessary in order to identify the lot. I would suggest that it would be well to insert after "registrar," in the beginning of the clause, that the registrar in any case where it is necessary for the identification of the property conveyed might require the owner to fyle a plan. I presume that the registrar will get a fee for everything that he does, and if you leave it optional with him to require a plan, he will have one fyled in every case. I think it should be only required where it is necessary to identify the property.

HON. MR. TRUDEL—It should be in case of sub-division of land into building lots.

HON. MR. GOWAN—Precisely the same provision has obtained in Ontario and has worked very well. So long as people deal with the lots as originally surveyed there can be no difficulty in identifying the lots disposed of; but if a person undertakes to lay out a property into town lots it is to his own advantage that he should have a plan, because, if not, he would be required to give a special surveyor's certificate for each lot. Almost every day, certainly every week, in Ontario a plan of this kind is fyled which is submitted to a judge to be approved, so that it will be clear on the face of it and enable any purchaser to ascertain the exact lot conveyed. This clause is in substance the same as the provision of the law in Ontario for the sub-division of properties, which has been found to work very well.

HON. MR. KAULBACH—Would it not be well to confine it to the sub-divisions of lots, for the purpose of identification.

HON. SIR ALEX. CAMPBELL—I was going to suggest that the following words might be added :—"Where the owner proposes to sub-divide his land for the purpose of selling or otherwise dealing therewith, the owner is required to fyle a plan of his land."

HON. MR. GOWAN—That is the implication all through.

HON. MR. TRUDEL—Would it not be well to limit it to building lots in villages?

HON. SIR ALEX. CAMPBELL—That is already provided for under clause D.

HON. MR. POWER—It may be a somewhat expensive and difficult thing to get a surveyor to make a plan out in the North-West. As the principal object of the Bill is to make the transfer of land cheap and easy, we should not do anything that would interfere with that object. I still adhere to my view that this should be limited to cases where there is any reasonable doubt as to the identity of the land. Suppose you insert the following words : "The registrar in any case where there is any reasonable doubt as to the identity of the land, may require the owner to fyle a plan."

HON. SIR ALEX. CAMPBELL—I cannot concur in that. The first great object is to make the conveyance of the land safe, and how can persons who are about to buy land in a village be possibly safe unless there is some plan fyled? Why it is the very first step that any prudent man would take if he intended so to deal with his land in Ontario or anywhere else.

HON. MR. TRUDEL—The clause gives the registrar power to order the man to prepare and fyle a plan.

HON. SIR ALEX. CAMPBELL—In order to have it safe the registrar is empowered to exact such a plan. It is not a very arbitrary thing to do when a man would, for his own advantage and the safety of those to whom he sells, prepare such a plan.

HON. MR. TRUDEL—The registr might order it without any reason.

HON. SIR ALEX. CAMPBELL—It would only be in the case where an owner proposes to sub-divide his land for

the purpose of selling in such divisions. Then the registrar might require the owner to fyle a plan.

HON. MR. POWER—The Minister puts the case of a man who divides his land into town lots. There is another case which is more likely to happen in the North-West; that is where a man is the owner of a quarter section of 160 acres and wishes to sell a portion of it, say the east half or the south half. Now there is no necessity for a plan to further define that. The registrar, who I presume is to receive a fee for the registration of every plan, may require him to fyle a plan although it is not necessary for the identification of the property. Now I do not think he should have the power to require a plan in such cases.

HON. SIR ALEX. CAMPBELL—I do not think I can yield any more than I have; I am quite willing to introduce these words at the commencement of the clause: "Where the owner proposes to sub-divide his land for the purpose of selling or otherwise dealing therewith in sub-divisions, the registrar may require, etc."

HON. MR. POWER—I would call the attention of the Minister of Justice to this fact in connection with the suggestion of the hon. gentleman behind me: that it would not be much trouble for a man to make a plan of that kind, and he could do it on a piece of paper. But this clause requires that the plan shall be certified by a licensed surveyor, and that it shall have the measurements marked thereon on a certain scale, and that involves expense.

HON. SIR ALEX. CAMPBELL—There is no safety without it.

The clause was adopted as amended.

On the 37th clause,

HON. MR. POWER—There is no provision made in this clause for the registration in any way of any dealings with property except those under this Act?

HON. SIR ALEX. CAMPBELL—No.

HON. MR. POWER—I have already expressed an opinion on that question, and the House has decided on it; but I think it is to be regretted that we should not have followed the example of British Columbia and retained the system of registering all documents dealing with lands.

The clause was adopted.

HON. MR. READ, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

SISTERS OF CHARITY (N. W. T.) BILL.

SECOND READING.

HON. MR. GIRARD (in the absence of Mr. Lacoste) moved the second reading of Bill (I) "An Act to amend the Act to incorporate the Sisters of Charity of the North-West Territories."

The motion was agreed to, and the Bill was read the second time.

FEDERAL BANK OF CANADA BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL (in the absence of Mr. Allan) moved the second reading of Bill (10) "An Act to reduce the capital stock of the Federal Bank of Canada and for other purposes."

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Thursday, March 12th, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

NEW SENATOR INTRODUCED.

HON. MR. POIRIER was introduced, and having taken and subscribed the oath of office, took his seat.

REAL PROPERTY, NORTH-WEST TERRITORIES, BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole the consideration of Bill (A), "An Act respecting real property in the North-West Territories."

In the committee,

On the twenty-seventh clause.

HON. MR. PLUMB—I would ask whether in case taxes have accumulated on the land those charges will be wiped out by the transfer?

HON. SIR ALEX. CAMPBELL—They would be if allowed to accumulate, but in Manitoba and the North-West proceedings are taken every year to collect taxes; there are sales every year. It would not do to allow taxes to accumulate. The officials of the municipality should collect them every year. The last two lines of the clause are "and any right of appropriation which may by statute be vested in any person or body corporate." That is to provide for a case of this kind; sometimes improvements have been settled upon to be executed in a township, such for instance as drainage, and it is agreed that the rate shall be levied for a number of years—say ten years. This last paragraph would protect such a plan, and the land would be subject to the assessments, which would be quite fair.

HON. MR. POWER—The only one of those sub-sections as to which any question suggests itself to me is sub-section "C"—if the land is subject to right of way or other easement. Should not that appear on the register? You require a party to fyle a plan to show what he is transferring; should not the easements be indicated too?

HON. SIR ALEX. CAMPBELL—It might be almost impossible for persons having a transaction to say what the easements are. A very common easement in older countries is the right of a pathway across a field. They might or might not have that in view; but I do not think any difficulty will be created by this sub-section.

HON. MR. DICKEY—As I understand it, this does not interfere with existing easements?

HON. SIR ALEX. CAMPBELL—No.

The clause was adopted.

On the 66th clause,

HON. MR. PLUMB—How long is the term for which a lease will be protected?

HON. SIR ALEX. CAMPBELL—A lease to be protected cannot be for a longer term than three years. All leases over three years must be registered.

The clause was adopted.

On the 72nd clause,

HON. MR. PLUMB—Is not the principle on which mortgages are held entirely changed by this Bill?

HON. SIR ALEX. CAMPBELL—The mortgage must be in conformity with this measure.

HON. MR. PLUMB—The mortgagee does not get any title by his mortgage?

HON. SIR ALEX. CAMPBELL—Oh yes, he gets his lien on the land.

HON. MR. PLUMB—But it does not operate to give him a transfer of the land.

HON. MR. TRUDEL—It seems to me the 74th clause should be amended in such a way as to oblige the registrar to get the decision of a judge. After notice is given a sale is to take place to satisfy the mortgage. Now that is exactly what was known under the old system in France as the right to execute without judgment, which was considered a most arbitrary measure at the time—that is, you sell a man's property for payment of a debt

without having a judicial decision. The clause is also open to this objection that it is not in harmony with the remainder of the Bill. In some cases the intervention of a judge is required and I do not see why it should not be necessary in this case also.

HON. SIR ALEX. CAMPBELL—The provision is a very common one in Ontario, and in fact, in all the English speaking provinces. The mortgagor in giving his mortgage pledges his land and authorizes the mortgagee to sell if he fails to pay the debt. The mortgagee advertises the property for sale, and those who are interested have an opportunity of attending the sale; and if the land brings more than the amount of the mortgage, the mortgagor gets the balance over. It is the ordinary provision introduced in almost all mortgages in this province—certainly in mortgages where money is loaned it is a common provision.

HON. MR. KAULBACH—It seems to me that the mortgagor should not have the power of selling by private contract; that it should be open to public sale.

HON. MR. DICKEY—It seems to me that clauses 55 and 66 do not harmonize. Clause 55 provides that no instrument shall be valid until registered except leasehold for three years or less. That is clear enough; but then clause 66 provides that when any land under the provisions of this Act is intended to be leased or demised for a life or lives, or for a term of three or more years, the owner shall, &c. Now, there are two conflicting provisions.

HON. SIR ALEX. CAMPBELL—We had better alter the 66th clause, as the intention is that three years shall pass, and more than three years shall not.

HON. MR. PLUMB—The proceedings for foreclosure and sale under mortgage seem to have something objectionable in them. I observe that the land is first put up for sale by public auction. In case a sale is not then effected a notice must be given, and the land can be sold at private sale—that is, it can be bought in by the mortgagee. I think that is contrary to the usual rule, and it looks as if it might be very easy for any man holding an encumbrance on a property, in that case, to get possession of land worth a great deal more than the mortgage. I do not think the mortgagor or those who come after the mortgagor will be able to protect themselves under this clause. It seems to me that very great hardship might be sustained from such a summary mode of procedure, and that those provisions are intended rather for the benefit of the holder of the mortgage than to protect those whose interests ought to be protected under this Bill. I think before that clause is passed we ought to understand thoroughly in what position those who may perhaps have an interest in those lands will be placed, and whether they ought to be summarily dealt with without notice.

HON. SIR ALEX CAMPBELL—The provision to which my hon. friend objects is that which enables the land to be sold by private contract, and premits the mortgagee to bid it in. These two provisions are constantly found in all mortgages in Ontario, at all events, and I suppose in the other provinces; but if the committee think proper we might exclude sale by private contract, and insist upon land being sold by public auction. We might, if thought necessary, omit the power to the mortgagee to buy in and resell, but I do not know that that would be desirable. Supposing we strike out the words "by private contract;" that would make it necessary to provide for sale by public auction. Then at public auction where every body was present supposing there was no one there willing to give for the property the amount of mortgage money, and the mortgagee were allowed to buy it himself, nobody would be injured by it. I think my hon. friend from Niagara is mistaken in supposing that the land can be taken away absolutely from the mortgagor without any further proceeding; if he looks at clause 76 he will find a provision that when default for six calender months has been made, in the payment of the interest or principal sum secured by mortgage, the mortgagee may apply to the judge for order of foreclosure after the offer for sale, so that all those provisions are complete, and afford ample protection. It seems to me the

only question is whether we should insist upon sale by public auction, and omit the provision for the private sale.

HON. MR. BLUMB—In Ontario there used to be a limit to the bid which the mortgagee could make.

HON. SIR ALEX. CAMPBELL—He could bid the amount of his mortgage money.

HON. MR. KAULBACH—The property may be worth more than the mortgage, and the mortgagor may not be able to redeem the whole, and in that case he should have the right to say what portion of the land should be sold.

HON. SIR ALEX. CAMPBELL—That pre-supposes that the land is worth more than the mortgage money, and in that case there can be no difficulty.

HON. MR. KAULBACH—We find in Nova Scotia, in sales under judgments that the judgment debtor has the power of declaring what portion of his land shall be sold, and I think the same power is generally given by the courts in preceedings in equity in foreclosure of mortgages.

HON. MR. GOWAN—The objection to this clause seems to be the placing in the hands of the mortgagee the power to sell either by private contract or by private sale—in other words giving him the entire control of the matter. I think the difficulty might be met by introducing a provision that the sale shall be subject to the order and direction of the judge.

HON. SIR ALEX. CAMPBELL—That would impose upon the mortgagee a burden which is not now imposed upon him under mortgage transactions of that country, or of Ontario or of Nova Scotia.

HON. MR. GOWAN—This clause seems to give larger power to the mortgagee than is given in Ontario.

HON. MR. SCOTT—The adoption of the principle of permitting the mortgagee to buy at a sale of foreclosure is one that is looked upon with very great disfavor by all who have considered this subject, except under special circumstances. We all know how it may be abused. Very frequently mortgage sales are advertised and nobody attends, and the mortgagee under this provision, would buy in the property and take advantage of the wants and necessities of the mortgagor. Our experience tells us that we are not always certain of getting buyers at those mortgage sales. People feel a delicacy sometimes in attending, and before a mortgagee should have the privilege of buying in a property himself, the sale ought to be conducted by the court. He might bid it in at 25 cents on the dollar, and still hold a claim for three-fourths of the amount of his mortgage against the mortgagor. It should be presumed that the mortgagee has taken security for his money, and that he is satisfied that he will be recouped when he makes the advance. It would be manifestly unjust, if by any captious circumstance or accident he should be allowed to come in and get possession of a valuable property for less than its value, and still have a claim against the mortgagor.

HON. SIR ALEX. CAMPBELL—When a man mortgages his property, and makes default in the payment of interest or principal, something must be done to enforce the claim of the mortgagee, and what safer test can you have of the value of the property than offering it for sale?

HON. MR. SCOTT—But it should not be sacrificed.

HON. SIR ALEX. CAMPBELL — In spite of all the legal proceedings that can be adopted, and in spite of the delay which those legal proceedings will cause, and the expense they would involve, the ultimate test of the value of the property is what it will bring at public auction; and if you can obtain this without delay and expense, is it not the best for all parties? Supposing a mortgage was taken with the idea that there was going to be a town in the immediate neighborhood of the property, and on that expectation a loan of $1,000 was made, and from some cause or other the town is not built and the value of the land is diminished, and the property is sold for one-half its originally supposed value, would it be right that the mortgagee should lose half his money? The mort-

gagor has had the money, and if his land will not bring the amount of the mortgage, is it right to say that the mortgagee shall give up the balance of his claim?

HON. MR. SCOTT—The position I take is this: that if the land is sold by auction or private sale and the mortgagee himself buys the property, he ought to give a full discharge of the debt. If on the contrary, somebody else buys the property for a less sum than the mortgage, then the mortgagee ought as a right to go back on his covenant. But it is always a temptation to the mortgagee to get a property below its value if he can buy it in, and still hold the mortgagor for the balance over and above the sum which the property realized.

HON. MR. POWER—I think if the Minister of Justice considers the interest of the Government he will not insist on passing this clause in its present form, because I think it goes a long way to justify the suggestion made by my hon. friend from Ottawa that this Bill has been drawn in the interests of the lenders of money.

HON. SIR. ALEX. CAMPBELL—It is copied *verbatim* from the law of Australia, and how can it be suggested that it was drawn at the instance of anybody?

HON. MR. POWER—I said it gave color to the suggestion of the hon. gentleman from Ottawa that it was drawn in the interest of lenders of money. Although mortgages in Nova Scotia contain a power of sale, the motgagee is not allowed to sell; he has to go through the process of foreclosure, and the property has to be advertised for thirty days and must be sold by public auction.

HON. SIR ALEX. CAMPBELL—That is according to the terms of the mortgage.

HON. MR. POWER—No, that is the law of the province independent of the terms of the mortgage altogether. In New Brunswick, although the mortgagee may sell under his power of sale, he cannot buy in the land himself. Under this Bill all that the mortgagee has to do is to give the mortgagor one month's notice. He is not obliged to advertize in the newspapers, or to give any public notice whatever—he simply gives the mortgagor one month's notice and he can then sell at what is called public auction, but the section does not prescribe any previous public notice which will bring people to the sale and prevent the property from being sacrificed. I doubt very much if the mortgagee should be allowed to have any claim on the mortgagor for any balance over and above what the property sells for under foreclosure where the mortgagee is permitted to bid it in himself.

HON. MR. ALMON—I do not know a case in Nova Scotia where loan societies have sold lands by foreclosure of mortgage, in which they have not lost money, and I think if you deprive the mortgagee of the right of buying, the man who owns the property is deprived of a bidder, which I think is unfair to him.

HON. MR. KAULBACH—In Nova Scotia the mortgagee has the power to purchase. There should be sufficient notice given, more than thirty days, but I must contend for the system to which I have been accustomed in Nova Scotia, that even when land is sold under a judgment the owner should have the right to require that a certain part of his land should be sold first. If by the sale of a portion of it he can meet the debt, why should the whole property be offered? It seems unjust and cruel that the whole of a man's property should be sacrificed when perhaps a small portion of it would realize enough to pay the encumbrance.

HON. MR. ALEXANDER—I have known cases in my county where, for want of advertising, property has been sacrificed in a most cruel manner, and I think there is a great deal of force in the hon. gentleman's contention.

HON. MR. BOTSFORD—There is this objection that if you complicate proceedings you interfere with the sale. In New Brunswick the power of the mortgagee is precisely similar to that given under this section. I think it is desirable to leave the clause as it is for this reason, that if you have to go to the Court of Chancery to decide the matter the expense must fall ultimately on the mortgagor. The mort-

gagee would not pay it because he is entitled to all expenses incurred.

HON. SIR ALEX. CAMPBELL—I do not know whether the committee is of opinion that there should not be a private sale.

HON. MR. POWER—There should not be a private sale.

HON. SIR ALEX. CAMPBELL—Suppose we alter the notice and say that it shall be for two months instead of one, and then, in the third line, after the word "notice," strike out "or" and insert "and advertising," and after the word "an" in the eighth line insert "subject to the order and direction of the judge either altogether or in lots."

HON. MR. KAULBACH—Should not the notice say where the sale is to take place? Should it not be where the property is located?

HON. SIR ALEX. CAMPBELL—That might not be convenient.

HON. MR. SCOTT—In practice it is found to be fair that where property has been advertised in the ordinary way and an honest effort made to effect a sale, the mortgagee should then have the right to sell it by private sale. I do not object to a private sale under such circumstances; what I do object to is that power should be given in the first instance to the mortgagee to purchase at a sale of which he himself has given notice, because there are very many cases in which there are no bidders at a sale except the mortgagee, and he might under that clause have the right to buy the property for a sum less than the amount of the mortgage, holding the mortgagor for the balance, which I think is most unfair.

HON. MR. BOTSFORD—That may be easily evaded in this way—the mortgagee can get a friend to attend the sale and buy in the property and then have it transferred to himself.

HON. MR. KAULBACH—That is a reason why greater precaution should be used. When the sale is not at the place where the property is situated full notice should be given to avoid any such collusion as my hon. friend refers to.

HON. MR. POWER—As to the point taken by the hon. member from Ottawa there is a provision in the subsequent clause which I think deals with the case sufficiently. The change which has been made removes the principal objection to the clause, but I think it needs some improvement still. If you are to make a provision for the publication of an advertisement for four weeks in such newspapers as would be likely to give the best notice it will render an application unnecessary and save expense.

HON. SIR ALEX. CAMPBELL—The difficulty in that case is that it might be claimed that the advertisement did not appear in the proper paper, and there might be trouble about the title. I would prefer to leave it to the judge to say where the notice should be advertised.

HON. MR. GOWAN—I am quite satisfied with the clause as altered by the Minister of Justice. It will put it in very much the same position as sales in the Court of Chancery are in this province. The Master regulates the time and place of sale when both mortgagor and mortgagee fail to agree as to the best time and place.

HON. MR. DICKEY—The leading principle of this Act is to simplify proceedings and make transfers as cheap and expeditious as possible. Therefore I would hardly be in favor of making any serious changes in this Bill which appears to have been well considered. After all, when we come to consider it, there is nothing in the laws of the older provinces to prevent a mortgagee from buying. There is generally a provision inserted in the mortgage giving the mortgagee liberty to buy in the property if it is put up to sale.

HON. SIR ALEX. CAMPBELL—Shall we leave in the words "sell by private sale"?

HON. MR. POWER—No, strike them out.

HON. SIR ALEX. CAMPBELL—There is great force in what my hon. friend (Mr. Botsford) says—the more difficult you make it to realize the money the worse it will be for the man who owns the land.

HON. MR. KAULBACH—If the mortgagee has power to purchase I do not see why there should be a private sale at all.

HON. SIR ALEX. CAMPBELL—What is to be done supposing land is put up for sale at public auct on and does not bring the amount of the mortgage?

HON. MR. POWER—The man can buy it in.

HON. SIR ALEX. CAMPBELL—Very often it occurs when a man has been trying to sell land at public auction without success that some months afterwards he finds a purchaser for it by private sale.

HON. MR. REESOR—I think provision ought to be made for selling by private sale under certain circumstances.

HON. MR. TRUDEL—I think the interests of those who may not be able to attend to them should be guarded in some way, and the disposal of property in this summary manner should not be allowed without the interference of some public authority. I do not think it would complicate proceedings much.

HON. SIR ALEX. CAMPBELL—I have put in the words "subject to the discretion of the judge." Now as to the final objection to this clause on the part of the hon. member from Halifax, supposing we insert the words immediately before "or by private contract," "and subject to the order and direction of the judge, either altogether or in lots, by public auction, or after an effort so to sell, then by private contract."

HON. MR. POWER—That will do well enough.

The motion was agreed to, and the clause as amended was adopted.

On clause one hundred and six.

HON. MR. POWER—Has the Minister satisfied himself that twenty per cent. of the registration fees will form a sufficient fund?

HON. SIR ALEX. CAMPBELL—It will not in the first instance, I suppose, but for some time to come the transactions are likely to be simple.

HON. MR. POWER—I think the system adopted in the South Australian Colonies was to pay a percentage on the value of the property.

HON. SIR ALEX. CAMPBELL—We might try whether the twenty per cent. of the registration fees would be sufficient. If it should prove to be insufficient we could provide for a percentage on the value of the land transferred. In the colonies to which the hon. gentleman alludes money was plenty and people were selling valuable land, and the quarter of one per cent. was a trifle to them; but it might be an undue burden on the people of the North-West.

HON. MR. POWER—The condition of British Columbia is not very unlike that of the North-West and I think we can safely adopt the system that has been in operation there, which is a percentage on the value of the property. I do not think that the carrying out of this law which is intended for the benefit of the people of the North-West Territory should be made a burden on the revenues of the country. The amount of the fund should be enough to cover any probable loss.

HON. MR. KAULBACH—It is not likely for many years to come that there will be any burden on the country, because the transfers will be so simple at first that there is no likelihood any damage will accrue to any person.

HON. MR. REESOR—suppose instead of a quarter of one per cent. you make it a fifth?

HON. SIR ALEX. CAMPBELL—I have letters from the Deputy Attorney General of British Columbia, and the Registrar General, and neither of them says anything about an insurance fund.

HON. MR. SUTHERLAND—In my humble opinion there is no immediate necessary for any charge. It is not likely that there will be any use for such a fund for some years to come, and although the charge might be a very small one, yet, as the Minister of Justice has stated, there is not a great deal of money there, and probably there will be no surplus money in the country for some time to come. Parties dealing in land might consider a very small item such as this, especially if it is not required, to be something of a grievance.

HON. MR. KAULBACH—I think we had better recognize in the law a fund however small it may be; if it is found to be too small it can be increased.

HON. SIR ALEX. CAMPBELL—The Minister of the Interior thinks that perhaps it would be better to put in a very small percentage, say one-tenth of one per cent.

HON. MR. POWER—I see by the 76th section of the British Columbia Act that there is an assurance fund in that province. The rate is one-fifth of one per cent. on property below a certain value, and one-tenth of one per cent. on property above that value.

HON. MR. DICKEY—Is it not rather a novel principle in the legislation of the country to make the Government liable for the misconduct of these officers?

HON. SIR ALEX. CAMPBELL—Only to the extent of the fund. I presume, of course, it is not to be a general charge on the country. However, I will take care that that is made plain. I move that the 108th clause be amended by adding the following words after "Receivar-General," "so far as the assurance fund will enable him to do so."

The motion was agreed to, and the clause as amended was adopted.

On the 113th clause,

HON. MR. TRUDEL—Suppose the registrar does not do what is provided by the 114th and 115th clauses, then by section 113 he would be asked to declare why he has not done so; it seems to me it would be much better to allow the party to bring his complaint before a judge—to summon the registrar to appear before a judge to answer why he has not done so and so.

HON. SIR ALEX. CAMPBELL—That is what I understand the clause to provide.

HON. MR. TRUDEL—You oblige the registrar in the first place to proceed, if he does not proceed you require the party interested to ask the registrar to take action against the party who is guilty of fraud. If the party should prefer to take his case before a judge why not allow him to do so?

HON. MR. DICKEY—The object of the clause is to do exactly what the hon. gentleman desires—to simplify matters. He might find on conferring with the registrar that there was no necessity to go before the judge, but my hon. friend would have him go to the court first and then get his information from the registrar afterwards.

HON. MR. TRUDEL—What I say is he should have the option to take either course.

The clause was adopted.

HON. SIR ALEX. CAMPBELL—Before asking that the committee rise and report progress I would just like to give a general idea of what still remains to be considered in regard to the Bill. I understand that we have not passed upon the several points which are outside of the Torrens system; that we have not passed upon the question whether lands are to be considered chattels or not, and we have not passed upon the point whether they are to go to the executor or not; we have not passed on the question of the devisee or on the question of dower. Although my hon. friend from Lunenburg and my hon. friend from Halifax appear to be satisfied as to the question of dower, my hon. friend from DeSalaberry is not.

HON. MR. SCOTT—It is not understood on this side that the question of dower is settled.

HON. SIR ALEX. CAMPBELL—I think I have mentioned the points which are open, and I will prepare one or two amendments which have been suggested and lay them on the table so that hon. gentlemen can see them between now and the next sitting of the committee. I move that the committee rise and report progress, and ask leave to sit again on Tuesday next.

HON. MR. READ, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again on Tuesday next.

The report was received and the motion was agreed to.

THE HATZFELD DIVORCE BILL.

REPORT OF THE COMMITTEE ADOPTED.

HON. MR. KAULBACH moved the adoption of the second report of the Select Committee to whom was referred Bill (D), "An Act for the relief of Georg Louis Emil Hatzfeld." He said:—As the report and the evidence taken before the committee have been in the hands of hon. gentlemen for some days, I do not suppose that the House will expect me to say anything to sustain the report which the committee have made. I may say, however, that the committee decided *nem. diss.* that the evidence led to but one conclusion, that the allegations of the preamble of the Bill were proved by circumstantial evidence of the clearest character. The evidence of the respondent herself, in the opinion of the committe, rather strengthened the allegation of the petitioner, and the committee found that there was no collusion or connivance between the parties to obtain a divorce.

HON. MR. GLASIER—I shall have to vote against that Bill. I do not think the case has been proven according to the Scotch law.

HON. SIR. ALEX. CAMPBELL—Was the hon. gentleman on the committee?

HON. MR. GLASIER—I was not, but I have read the evidence taken before the committee

HON. MR. GOWAN—I have read the evidence, and it seems to my mind to establish conclusively the report which the committee have made, and I fully endorse the views entertained by the committee.

HON. MR. GLASIER—I have a right to my opinion, and therefore I propose to vote against the Bill.

The report was concurred in on a division.

THE TERRY DIVORCE BILL

THE REPORT OF THE COMMITTEE ADOPTED.

HON. MR. ODELL moved the adoption of the second report of the Select Committee to whom was referred Bill (E) "An Act for the relief of Fairy Emily Jane Terry." He said:—This report, and the evidence taken before the committee, have been printed in the minutes of proceedings of this House, and have been in the hands of hon. members for the last few days. The committee were unanimous in their report, and I think under the circumstances there is no reason whatever why it should not be concurred in by the House.

The report was concurred in on a division.

EXPLOSIVE SUBSTANCES BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (K), "An Act respecting explosive substances."

In the Committee,

HON. SIR ALEX. CAMPBELL—As I explained before, this Bill has been taken almost entirely from the Act recently passed on the same subject in England.

HON MR. POWER—Is the Minister of Justice Attorney-General of Canada?

HON. SIR ALEX. CAMPBELL—Yes, I am Attorney-General of Canada, but I am not mentioned in this Bill at all.

HON. MR. POWER—Clause 2 provides that the expression "Attorney-General" in any proceedings taken under this Act in the North-West Territories and Keewatin means the Attorney-General of Canada.

The clause was agreed to.

On clause 3,

HON. SIR ALEX. CAMPBELL—My hon. friend from Halifax, when this Bill was up the other day, said he took it for granted that by the Interpretation Act the penalty of imprisonment for life meant also a less period, in the discretion of the judge. It is so.

HON. MR. KAULBACH—I think some suggestion was made also that the penalty should include flogging.

HON. SIR ALEX. CAMPBELL—It was, but I am not disposed to ask the committee to adopt that suggestion. The reason is, it has not been done in England, and another reason is that this law is not likely to be applied to those who are habitual criminals. The application of the cat is only in connection with that class of habitual criminals such as sneak thieves, and garrotters, and not to those who are likely to use explosive substances, and I do not think, so far as I can judge, that it is desirable in the face of the example they show us in England to carry out the suggestion that is made to increase the punishment by whipping.

HON. MR. ALMON—Could it not be left to the discretion of the judge?

HON. MR. KAULBACH—They found no means in England to put down garrotting until they commenced using the cat.

HON. SIR ALEX CAMPBELL—Garrotting was perpetrated almost altogether by a class of habitual criminals. The crime which this Bill is to provide for will be done by a different class.

HON. MR. DICKEY—I can hardly accept that view of the case, because if the cat were made a part of the punishment it would have a much more deterrent effect than any other mode of punishment with persons who perpetrate these crimes—men of a certain degree of education, a good deal of skill and some science. If those people knew that they would be put in the pillory, and have the cat applied to them, it would be a very great deterrent to them—much more than it has proved in practice to have been on the street walker who prowls about for a livelihood and meets you at night and catches you by the throat and tries to take your purse from you. That is the kind of man who does not care so much about the whip, but in point of fact we know what the effect has been, even with that degraded class. It has been to almost stop the crime of garrotting. It is quite true that flogging is not provided for in the English law recently enacted, and there is a great deal of force in that argument, but it seems to me it has been suggested lately—for many of those crimes have been perpetrated since Parliament sat last—that punishment by flogging should be provided. When we are dealing with people who are beyond the pale of society—men who are enemies of the whole human race, I do not think we should allow any sentimental scruples to deter us from doing what we can to prevent those horrid crimes—crimes which not only destroy public property but imperil the lives of women and children and defenceless persons who ought to have protection under the law. Those dynamiters spare noboby, and therefore I think it would be well for my hon friend to reconsider the matter, and endeavor if possible to give the judge discretionary power, if he thinks the case requires it, to add this punishment to the rest.

HON. SIR ALEX. CAMPBELL—I have looked at several bills which have been framed in different States of the Union, as well as at the English Act, and this provision is not to be found in any of them. I think if hon gentlemen call to mind the state of alarm they have been in in England on account of the efforts that have been made there to injure public buildings, and find that under provocation vastly greater than any we have been obliged to submit to here, they have not thought it necessary to introduce the punishment of flogging into their Act,

although they have it for certain crimes there, they will agree that it would be unwise to introduce it here. The committee must bear in mind there are other circumstances that we are obliged to consider. You might perhaps affect the sympathies of a great many people whose sympathies it would be bad policy and inexpedient to affect in that way by adding this punishment. It is very difficult for me to explain myself fully to the House, not because I could not, if I thought it wise to do so, but because it is not desirable I think, in the meantime at all events, to add this punishment of whipping, partly for the reasons to which I have alluded, and partly because I do not find it done under circumstances of great provocation in England. I took occasion to consult my colleagues about the matter somewhat informally in order to ascertain what the general feeling was, and I may say that the informal opinion of my colleagues was against the introduction of flogging.

HON. MR. GIRARD—I am pleased to see that the opinion of the Minister of Justice is against the introduction of whipping, although the offence is a grave one. I think it would be better to enforce the penalty of death rather than the degrading one of flogging. I know that in the only case of whipping that was resorted to in my province, public feeling was so strongly against it that the sympathy was entirely with the criminal who was so punished.

The clause was adopted.

On the 5th section,

HON. MR. SCOTT—Does this section involve the necessity of contractors, and others who are using explosives necessarily, informing the authorities of it?

HON. SIR ALEX. CAMPBELL—If they are interfered with it will.

HON. MR. ALMON—I object to the econd sub-section which provides that a wife may be examined as a witness against her husband on a charge of this kind. I do not think there is any necessity for the wife being drawn into the case, because she is likely to screen her husband on all occasions. I do not know any other Bill but the Canada Temperance Act in which such a principle is adopted. It interferes with the divine law "Whom God hath joined together let no man put asunder."

HON. MR. POWER—The first portion of the section may lead to abuse. Explosive substances of different kinds are used by miners and others all over the Dominion. It is possible that a police officer, finding a man with dynamite in his possession, would naturally think he had it for an unlawful object, and it is a somewhat serious thing to transfer the onus of proof from the prosecutor to the accused. I do not see how the clause can be altered very well, but I think the provision is capable of very considerable abuse. I know that there are a great many miners in Nova Scotia, and those men all use dynamite in their business.

HON. MR. VIDAL—They would not be troubled by this law.

HON. SIR ALEX. CAMPBELL—No, because they would have it for a lawful purpose.

HON. MR. VIDAL—There must be a reasonable suspicion before action can be taken against the party at all.

HON. MR. POWER—The fact is that any man who is found in the city of Halifax with dynamite in his possession would be looked upon as having it under suspicious circumstances. I would suggest that the Minister should, between now and the third reading of the Bill, see if that clause could not be modified in some way so as to protect innocent men.

HON. MR. DICKEY—There was a case in Halifax exactly in point. Two men came there in whose possession dynamite was found by mere accident. They could not and would not give any account of themselves and the result was that they were imprisoned for a considerable period. Afterwards one of these parcels of dynamite which had been overlooked in some way, was found in another part of the town. I do not know whether it was ascertained, but it has been conject-

ured that one of the men was the person Cunningham who has since been arrested in England.

HON. MR. KAULBACH—As the *onus probandi* is on the part of the accused here, it gives him an opportunity of showing that he is not in possession of the dynamite for any improper purpose. If he were prevented from establishing his innocence, it would be a great hardship, but it is not so under the circumstances.

HON. SIR ALEX. CAMPBELL—My hon. friend will see that the second step cannot be taken under this clause without the fiat of the Attorney General. There is protection there that the Act will not be enforced unduly. The clause is copied from the English Act.

The clause was adopted.

HON. MR. BOTSFORD, from the committee, reported the Bill without amendment.

MANITOBA AND NORTH-WEST TERRITORIES CENSUS BILL

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (21) "An Act to provide for the taking of a census in the province of Manitoba and the North-West Territories and the district of Keewatin."

In the Committee,

HON. MR. GIRARD—I would suggest that the word "hunting" should be inserted before the word "fishing" in the 4th clause. In that country hunting is an important industry.

HON. SIR ALEX. CAMPBELL—The hon. gentleman at the head of the Department assures me that the forms to be used in taking the census will include furs.

HON. MR. KAULBACH—The words "other industries" will cover it.

HON. MR. GIRARD—I would again call attention to the fact that at the time the census is likely to be taken some of our people will probably be in the neighboring States hunting, or engaged in some other business, who will have no intention of remaining away, but will return home in the Fall. They reside in Manitoba or the North-West Territories, and it would not be right to exclude them from the census. Provision should be made to have their names and the names of their families included in the returns, and I should like to know what the Government intend to do in the matter.

HON. MR. KAULBACH—Could there not be means adopted by which those who are thus absent with *animus revertendi* should be shown in a separate column?

HON. SIR ALEX. CAMPBELL—I think we will have to leave that to the officers who take the census. They will act under the rules and the instructions given them by the Minister of Agriculture, whose object is to get the best information he can as to the population at a certain time.

HON. MR. POWER—I think the suggestion which has been made by the hon. member from Lunenburg is a very good one. A good deal of dissatisfaction has been expressed on both sides as to the manner in which the census has been taken heretofore. It may be that there is no ground for it, but it would be well to adopt the suggestion to insert a column giving the persons who are absent temporarily with the intention of returning. It could not be said then that there was any attempt to deceive or to claim a larger population in that country than there really is; and on the other hand it could not be said that that portion of the population of the territories who were absent with he intention of returning were excluded from the census. It would give us more definite information than the ordinary census does, and it would be better to have the forms prepared in that way than to leave the matter to the discretion of each census enumerator. Those officers are not always the most intelligent or careful men in the world.

HON. SIR ALEX. CAMPBELL—It will not be left to the discretion of the

officers, but to the Minister of Agriculture to say what information should be got in that way. I will take care to bring the view of the hon. member from Lunenburg before the Minister and communicate the result to my hon. friend.

HON. MR. DICKEY—It is a very simple way of meeting the difficulty.

HON. MR. MACFARLANE, from the committee, reported the Bill without amendment.

The House adjourned at six o'clock.

THE SENATE.

Ottawa, Friday March 13th, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

EXPLOSIVE SUBSTANCES BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (K) "An Act respecting explosive substances."

The motion was agreed to and the Bill was read the third time and passed.

THE EVANS DIVORCE BILL.

THE REPORT OF THE COMMITTEE ADOPTED.

HON. MR. GOWAN moved that the report of the Select Committee to whom was referred Bill (G) "An Act for the relief of Alice Elvira Evans be concurred in. He said: The evidence has been printed, and is before every member of this House. I can only say that the committee found the allegations of the petition fully and clearly sustained; that the finding was unanimous, and the counsel for the petitioner was not even called upon to address the committee, so clear was the case.

The motion was agreed to and the report was adopted.

HON. MR. GOWAN moved that the Bill be read the third time on Tuesday next.

The motion was agreed to on a division.

THE INDUSTRIES AND MANUFACTURES OF CANADA.

DEBATE CONTINUED.

The order of the day having been called for resuming the adjourned debate on the Hon. Mr. Macdonald's motion :—

That he will call attention to the Report of the Commission issued by the Government last year to inquire into the effect of the tariff of 1879, on the industries and manufactures of the country, and will ask the Government whether the report will be furnished to members of the Senate and a certain number to the country.

HON. MR. HOWLAN said :—I do not intend to reply at any length to the remarks made by the hon. gentlemen who have preceded me in this debate in regard to free trade and protection. To reply to the hon. gentleman who last spoke would weary the House with a portion of the history of what might properly be called the trade of Great Britain. In connection with this question of the condition of Great Britain at the particular period to which the hon. gentleman refers—(1842), and on which he lays great stress because Sir Robert Peel who had so long been a protectionist became a free trader—I think the position of the country at the time would possibly better be considered for a moment to see the springs of action which occasioned his great departure from protectionist principles. We know that in this country the words "free trade" and "protection" do not mean what they do in England. It is impossible for a country that obtains its taxes from revenue to have either free trade or protection. When we look at the position which England occupied in 1842 in regard to trade with the powers of the world, we

must remember for a moment the accidents and incidents that surrounded her in the early part of this century. It will be remembered that the fairest portion of this continent was lost to England from what we all now admit was bad government. At that time France had been crippled in her trade relations, and England, after a very lengthened war, out of which she came, it is true, victorious, found herself face to face with the fact that the leading minds of Great Britain—the giant minds—the brain power if I may so call it, of her public men—were in favor of doing something to cultivate the friendly relations, which were then broken, with what were called the rebellious provinces. They saw that the United States would grow to very large proportions, and if they allowed them to become customers of any foreign nations, that they would themselves lose for ever the trade to which they were entitled, and of which their bad administration of affairs had temporarily deprived them. It was then advocated throughout the length and breadth of the land that, as Great Britain was one of the foremost manufacturing nations in the world, the best thing she could do was to have free trade. She could successfully compete with any nation wherever her flag floated, and having a large mercantile marine, and with unrivalled manufacturing industries, the proper and best policy for England to pursue was to repeal the corn laws and adopt a free trade policy. But in connection with that particular fact I may say, using the language of Sir Robert Peel, which was quoted by my hon. friend opposite (Mr. Haythorne), there are two ways of protecting industries of a country. Situated as Great Britain was at that particular time, the opening up of her ports to the trade of the world was one way of cultivating her industries, as the extract which was read by the hon. gentleman clearly shows. The words used by Sir Robert Peel were as follows :—

"Whatever be the tariff of foreign countries —however apparent the ingratitude with which they have treated you, your export trade has been constantly increasing. By the remission of your duties upon the raw material, by inciting your skill and industry —by competition with foreign goods, you have defied your competitors in foreign markets, and you have been even able to exclude them."

Hon. Mr. HAYTHORNE—Hear, hear.

Hon. Mr. HOWLAN—That was the reason why Peel adopted free trade. What was the condition of England at that time? In 1842, the earnings from the industries of England amounted to £515-000,000 per annum. She had the manufacturing power of the world. She had beaten France in her wars, had crippled the industries and shipping of her rival and started her own manufacturing industries in full blast, with an earning capacity of £515,000,000. It was then settled upon that the best course to pursue to make the rebellious provinces on this continent her customers was to admit the raw products of America free; that was the best way to foster her own industries. Was not that one way of meeting the difficulty? Such was the mode by which the statesmen of Great Britain enlarged her commerce and they are reaping advantages from that policy to this day. But are there no people in Great Britain who believe that under ordinary circumstances a different course would be pursued? I am sure there are. Had Great Britain been situated, as we are, with a nation of 50,-000,000 of people beside us, with extensive manufactures, the policy of free trade would not have been inaugurated. Great Britain on the contrary was mistress of the seas and controlled the money markets of the world, she had the largest manufacturing industries and that was the reason why free trade was adopted. The surplus earnings of her people which, in 1841, were £515,000,000, had risen in 1851, to £616,000,000, and in 1864, to £814,000,000. The last return I have been able to find is that for 1880 which shows that they had then increased to £1,200,000,000. Such was the earning power of her investments at that particular time. We have been told that at the time when the National Policy was adopted in this country there was nothing to warrant any departure from the course which had been pursued by the previous government. We were told that the cause of all the difficulties and troubles and deficits which attended the administration of Mr. Mackenzie was the bad harvests preceding 1878. If we look at the Speech from the throne delivered at the opening of the

Session of 1878 we will see that the Governor General states that the harvest of the previous year had been an excellent one. His words are "I am happy to be able to congratulate you on the abundant harvest reaped in all quarters of the Dominion." That does not look as if the agricultural industry had failed to reap a good harvest that year. It shows that this country was just in such a position as that which England occupied in 1842—that some new departure was necessary to meet the constantly occurring deficits. My honorable friend remarked, and I was surprised at his expression, that the ate Administration had faith in the future of this country. The trouble was that they had no faith in its future—that they were not equal to the emergency. If we are to credit the statements recently made at Montreal by a gentleman who stood high in Mr. Mackenzie's Government, and who occupies a prominent position in the Liberal party at this day—Sir Richard Cartwright—there was a difference of opinion amongst the members of the late Government as to the proper policy to be pursued, and Sir Richard goes so far as to say that he was himself in favor of increasng the tariff. It is evident therefore that here were differences of opinion in the Cabinet, and well there might be a division. In every part of the country meetings were held of men engaged in trade—the men who were doing what may properly be called the every-day work of the Dominion; men representing every industry in the country were advising the Government by personal interviews, by petitions, by public meetings and through the press as to the best course to pursue, and we now know that there were divisions in the Cabinet. No one in this House doubts for a moment that if by some accident, or some incident of political life, the Government were to change next week, the present fiscal system of the country would be maintained. No one believes for a moment that anything would be done to destroy the industries which have been planted throughout the Dominion under the National Policy. On the contrary, the leaders of the Opposition are careful to state at public meetings that they would not interfere with the course that trade has taken if they were to come into power. If they had been wise and prudent, if they had had foresight and statesmenship enough in 1878 to grapple with that question, the Conservative party would not have been in power up to the present time. If they had shown the same prudence and statesmenship that Disraeli and Gladstone displayed with regard to the Reform Bill they would have been in power to-day. I do not wish to be understood as misquoting the language made use of by Sir Richard Cartwright in Montreal, and for that reason I will read an extract from his speech which will be found *in extenso* in the *Globe*. I know my hon. friends opposite have great faith in the *Globe*, and will not dispute the accuracy of the report. Sir Richard says:—

"It is of importance that me should understand that the issue was fairly and well-defined. It was not a question of whether we should lay on more taxation for revenue. It was a square issue, squarely stated, whether we should lay on heavy taxation to protect our general industries or not. Now, I would like to say a word about the position of the Mackenzie Administration as to the revenue question when it arose in 1876. I accept now, as I accepted then, the responsibility of the dicision of the Cabinet, but I am not breaking any Cabinet secret when I say what was perfectly well known to many gentlemen outside the Cabinet, what was made no secret of at the time, that I myself, in my capacity as Finance Minister, was disposed to put on additional taxation in 1876."

That I think sets the question at rest with regard to his views at that particular time. But when the public were appealed to throughout the land what was the result? The policy as advocated by Sir John Macdonald and his party met with the approbation of the people and a very large majority was returned to support him. Now, in a new country like this, it is impossible for statesmen to apply the old rules, if I may so term them, which suit a well established country like England. Since 1842 what changes have taken place! What changes have taken place within the last ten or twelve years in this country! Compare the Winnipeg of to-day with the Winnipeg of ten or twelve years ago and mark the difference! Compare for instance any of the Napoleonic wars with the wars of modern times—is there anything as great or grand in them as the advance of General Stewart at Abu Klea, in a country where he was fighting natives not wanting in bravery, skilled in

the arts of war, supplied with proper munitions and well armed to meet their enemy in the open desert? In that instance General Stewart with ten or twelve hundred men faced and defeated eight or ten thousand of the enemy—surely there is something in that to be proud of and admire. Since 1842, things have greatly changed and I am at a loss to understand how my hon. friend opposite (Mr. Haythorne) could apply the rules which governed England at that time to a country like this.

Let me give him a quotation on the point from "Lang's Political Economy."

> "Political economy is not a universal science of which the principles are applicable to all men under all circumstances and equally good and true for all nations, but every country has a political economy of its own, suitable to its own physical circumstances, position on the globe, climate, soil and products, and to the habits, character and idiosyncrasy of its inhabitants, formed or modified by such political circumstances."

No people of four millions in the history of the world have ever attempted the task which we in the Dominion of Canada have undertaken, of building a railway nearly 3,000 miles in length. It shows that the men who govern the country have faith in its future. They stood by the cradle of the Dominion and they were not prepared to follow it to its grave. In the gloom of depression they had faith in the recuperative power of the people and they knew the best way to restore public confidence and to nationalize public sentiment and so make of Canada a great and united country. Taking that view of it, the first thing they did was what every good farmer does—look over the fence to see what his neighbors are doing and what their style of farming is. We did that; we looked across the border to see what our neighbors in the United States were doing, and what did we find? We found a nation which had recovered from a disastrous war in which their commerce was destroyed, and whose national flag had almost disappeared from the seas. My hon. friend says that Mr. Wells, with whom I am personally acquainted, was in favor of free trade, and that all the political economists and professors of colleges in the United States also advocate that system. Political economy is not an exact science, but as against those theoretical professors and Mr. Wells, we have the 50,000,000 of people of the United States adopting protection, and what has their experience been during the last twenty years? By protecting their industries they have been able to rescue their country from the depression in which they found it, and bring it to an unexampled state of prosperity. Unless we come to the conclusion that our 5,000,000 of people in Canada are inferior in enterprise, energy and intelligence, and possess an inferior country to theirs, we must be satisfied that the proper policy for this country is protection to our industries. If that policy had failed in the United States we might possibly suppose that free trade would have suited their circumstances better. The United States, at the close of their civil war, were burdened with a heavy debt—a debt caused by the destruction of valuable lives and millions of dollars worth of property. The securities of the country were selling at forty cents on the dollar, and commerce was well nigh ruined. Under a protective tariff their securities have increased in value until now they are second to none in the world. But we have only to look at the enormous debt which had been rolled up during the civil war and the extraordinary manner in which it has been paid off, to see what protection can do for a country. On the 1st of August, 1865, the public debt after deducting the cash in the treasury, was $2,756,431,571. On the 30th June, 1884, it had been reduced to $1,317,888,576. During the fiscal year ending the 30th June, 1884, the debt was decreased $101,040,972. The total income from the previous year was $398,287,582, and the expenditure over $265,408,138, making the sum which I have already mentioned as the amount paid for the year, and leaving cash in the treasury up to the 30th June, 1884, $425,031,321—showing at all events that we had a good precedent for adopting a protective tariff. We had good reason to believe the policy which had proved to be in the interests of the United States, could not work badly in our country. The question has often been put, "Has it worked badly in the Dominion of Canada?" We are told by those who oppose this measure that the cotton factories have not proved to be a success. We were told when

we were adopting this National Policy that the manufacturers of cottons and the sugar refiners would make large fortunes, and that the people would have to submit to heavy taxation in consequence. That prediction has not been verified and now the opponents of the National Policy are not satisfied because the manufactures have not realized fortunes. But the Government did not legislate for any particular class; they legislated for the masses of the people, the consumers of manufactured goods, and it proves how far-sighted the Government were, because cottons are cheaper to-day in Canada than ever before. Fault is found now because the people get cotton goods so cheap that the manufacturers are not making anything. The hon. gentleman said in one part of his speech that he never knew of any cotton industries having experienced vicissitudes, until after the National Policy was introduced, and he did not believe after all that the consumers of manufactured goods that enter into the every day life of the country were getting their goods cheaper than before. The hon. gentleman certainly must have forgotten that at the time the Nationl Policy was adopted in this country the stocks of several of our leading cotton mills were almost valueless. I remember one, a factory at Cornwall, the stock of which was looked upon as entirely worthless. What is the position of that industry now? The fact is the stock has risen and become of some value, and the company is no longer in the unfortunate position which the hon. gentleman describes, and I may say the cotton factories of the Dominion are not all in a deplorable state.

HON. MR. POWER—Hear! hear!

HON. MR. HOWLAN—The hon. gentleman says "hear, hear," I have in my hand the statement of Mr. A. F. Gault, a prominent director of the Hochelaga Cotton Mills, in which he says:—

"We have not discharged one hand on the score of retrenchment during the season, but, on the contrary, want more weavers; our staff now numbers about 900 operatives at Hochelaga, all told, and 400 at St. Ann's, all working on full time, and at current wages; any rumor of distress through discharge of hands from our mills is without the slightest foundation."

There is proof that so far as some of the manufacturerers of cotton goods are concerned, the hon. gentleman is only wasting his sympathy on them. But if anything more is wanting to show whether this industry is thriving or not, I may mention the fact that the imports of raw cotton have increased from 7,000,000 pounds in 1878, to some 20,000,000 pounds in 1884. That does not look as if they were sufferfrom depression. But before I pass away from the subject of the great debt of the United States I wish to speak of our own debt. It was not possible that the scattered provinces which were brought together in 1867 could remain united for eighteen years without incurring a large national debt. But our debt was not caused by internal troubles, nor is any portion of it represented by piles of masonry for defending our harbors, or ships lying idle in dockyards. The debt of the United States was the result of the struggle between the North and South, and represents so much destruction of property. The public debt of Canada is more in the nature of a mortgage on a farm, which has been incurred for the improvement of the property. It represents enlarged canals, numerous lighthouses along our coasts, public buildings in every town where they are required, shelter for mariners in the way of hospitals, harbors, docks and railroads, and we have this great national highway from the Atlantic to the Pacific. Therefore we stand in a very different position from our neighbors. While one country has spent its money in settling family difficulties, we have been enlarging the family mansion and improving it not only for the present generation but for the generations yet to come. We have been told also that this policy has injured the poor man. We have heard a good deal of talk about the poor man. He seems to occasion many hon. gentlemen a great deal of trouble, but we all know, and every man who has been the head of a family for the last thirty or forty years will corroborate what I say, that you can buy more for one dollar to-day than you could during the last 25 years. You can buy sugar, cottons, clothing of all kinds, cheaper now than you could then; has the policy therefore injured the poor man? Is that hard upon the poor man? Let us take four or five items of the revenue, that may be called luxuries.

HON. MR. POWER—Cigars for instance.

HON. MR. HOWLAN—Yes, cigars, and silks and satins, and brandies and whiskies, which are luxuries; you will find that a large portion of the revenue comes from that source—but I maintain stoutly that cottons, woollens, boots and shoes and ready-made clothing of all kinds, teas and coffees, are cheaper to-day than they have been at any time for the last twenty-five years. There are hon. gentlemen within sound of my voice, wholesale merchants, who know whether I am correct in the statement I make or not. They know the course of trade. It is their duty to watch the current of trade; it is part of their education, one of their springs of action, and they will bear me out, as well as every man who has had to maintain a household, that the necessaries of life are cheaper to day than they have been for the last twenty-five years. Does that hurt the poor man very much? I do not see that it does. Then has the poor man been able to earn more per day since the introduction of the National Policy than he was prior to 1878? If we are to believe the facts that are before us we must admit that to be the case. But my hon. friend opposite has in his speech, referring to manufactured goods, that they are dearer now than they were in 1878. I will not misquote him, so I will read from the official report the remarks of the hon. gentleman. He says:—

"I doubt very much myself if anything has been gained that way (by protection). We may have manufactured a large quantity of goods of different descriptions in Canada, but it is very questionable whether they were manufactured at an advantage—in fact my own impression is that those goods have been manufactured at a higher price, and that they are more costly goods to the country at large than if we had imported them."

The statistics do not bear out that statement; the very contrary is the fact. But we will see how the poor man earns the money to buy these cheap goods, and see whether the facts I have stated are borne out. In 1878—I quote from a paper read before the British Association—farm laborers' wages were from $10 to $20 a month. In 1884 they averaged from $15 to $22 per month. In 1878 common laborers received 80 cents a day, and in 1884 they average from $1 to $1.75 per day. In 1878 domestic servants received from $5 to $6 a month; in 1884 they averaged from $6 to $12 per month. That does not show that the working classes were injured by the operation of the tariff of 1879. It proves that so far as the poor man of this country is concerned he is better off, that he has a greater earning power, that his earnings have a greater buying power than in 1878, and the fact that he is in this improved condition is due to the introduction of the National Policy. The hon. gentleman also told us that the price of agricultural implements was higher now than it was prior to 1879. I happened the other day to come across an article in the *Canadian Manufacturer* upon that question.

HON. MR. POWER—Hear! hear!

HON. MR. HOWLAN—My hon. friend from Halifax says "hear! hear!" when I give him the source from which I got my information. Mr. Clegg, a prominent farmer and stock raiser from Brandon, in his evidence given before a committee of the House of Commons, said: "Within the past two years the prices of agricultural implements have greatly diminished; waggons have fallen from $90 to $45 and $50; binders from $350 in 1881 to $225 in 1884, and all other farm machinery in like proportion." It does not seem from that that the operation of the National Policy has increased the price of agricultural implements to the farmers of this country. But my hon. friend (Mr. Haythorne) says that he does not see any evidence of the prosperity which the advocates of the National Policy seem to think this country has enjoyed; and he also seems to be under the impression that it was an unfortunate thing that the statesmen of this country should have inaugurated such a policy, as it would lead to differences between us and the Mother land. But what does Mr. Forster say in his speech on this subject as to whether the increase of our tariff has deteriorated the trade with the Mother Country? If we had a tariff like the United States there would be some reason for that objection being raised to it; but what does Mr. Forster, speaking as a

public man well versed in the trade incomings of Great Britain, say? He remarked that the trade which the inhabitants of Great Britain conducted throughout the world was about one-third of the total trade of the whole world. "The annual trade of the British dominions beyond the the seas with the United Kingdom, was, exports and imports, £190,000,000, and with other countries £170,000,000—a total of £360,000,000, or six times what it was at the beginning of the century. They had heard," he said "a great deal about the depression of trade which had ruled throughout the whole of the United Kingdom, and he asked if it were not for the colonies what would the depression be? The trade of the United Kingdom with foreign countries in 1872 was more than £248,000,000, and in 1882 it was £214,000,000, a decrease in the ten years of £34,000,000. The trade of the United Kingdom with British possessions which in 1872 was £66,000,000, had increased in 1882 to £99,000,000. They would not, Mr. Forster asserted, have those figures if the colonies had been separated from the Mother Country. With regard to bread-stuffs, the increase in the amount of wheat imported into the United Kingdom in 1882 from India, North America, and from Australia against that in 1872, was 8,000,000 cwt. from India, 100,000,000 cwt., from North America, and 200,000,000 cwt. from Australasia. The total trade of imports and exports of the United Kingdom with the world outside the British possessions had increased from 1854 to 1882, more than 77 per cent., but the total trade, import and export, of the United Kingdom with British possessions had increased more than 170 per cent. We know that besides the Dominion of Canada there is another dependency of the Crown that has adopted a protection policy—that is one of the Australian colonies, so that these two colonies may be properly counted in in this 170 per cent. Mr. Forster says, speaking of Canada:—

"If they were not our colonies, judging from what had happened elsewhere, they would levy far higher duties. There was a vast difference between the duties levied by the United States and those levied by Canada, and he wondered if we would do any thing approaching the trade with Canada if they maintained the tariff of the United States. He very much doubted whether we should not have the United States' tariff in place of the Canadian tariff if Canada ceased to be governed by the Mother Country."

I think that disposes of the question of the interference of this tariff with the channels of trade with Great Britain, coming as it does from one of England's foremost statesman who had paid a great deal of attention to the question. He states further on in his speech that it is a pride and a pleasure to the nation to claim that one of the greatest dependencies of the Crown has been enabled to carry on its business independently by a wise ordering of its internal affairs. My hon. friend was very guarded in his remark when speaking of the deposits in the saving banks. If there is any barometer as to the prosperity of a country which is more reliable than another, it is the savings of the people. Well-to-do people put their savings into fine houses, fine equipages, telegraph and gold stocks, and other things, but the man who is dependent from week to week and from month to month on his earnings for the support of his family puts something away for a wet day, and deposits it in the savings bank, and if there is any better means of judging of the prosperity of the people than the amount of those savings, I would like to know where it is. It has been the barometer that has been taken in England and in the United States; it is the barometer that is taken in every province of this Dominion since Confederation, and was even before they were united provinces. If my hon. friend was a member of the government, and he found from every point of the Dominion from British Columbia on the west to Prince Edward Island on the Atlantic that the savings banks instead of showing increasing deposits, were showing a decrease, I ask him if he would take that as a mark of prosperity in the country? If he found that in Prince Edward Island, with which province he is well acquainted, that the deposits in the banks there were decreasing year after year, would he consider that a prosperous state of affairs in his own province? I ask him as a public man, would he be content under his oath of office with that state of affairs as an indication of the prosperity of the country? I think not. There is not a gentleman here who has

had the responsibility during his lifetime as leader or a member of a government who does not know that as a public man his first watchword and his first care is the interests of the people, and if he finds that the interests of the people are not being fairly advanced, it is his duty to bring the matter under the notice of his colleagues and do his best to improve the condition of the country. That is the duty of all governments, and that is what was done by this government on their accession to office. The hon. gentleman was afraid that that question of savings bank deposits would be brought up, and he guarded himself on this particular item, and said of Prince Edward Island:

"In my province, I can say pretty confidently that those deposits were made by individuals, many of them far above the laboring classes. They were deposited by persons who had been in the habit, perhaps, formerly of making deposits in banks, but the banks had lost the confidence of the community, and their rates of interest were small, and the risks which depositors ran were evidently considered, and under those circumstances people naturally preferred the savings bank, and that, I think, accounts for a very large number of the deposits."

The hon. gentleman must certainly be aware, and I do not think he disputes the fact, that 100,000 people of Prince Edward Island are not different from 100,000 people in British Columbia, Ontario, Nova Scotia, New Brunswick or any other portion of the Dominion, whether the majority of them lived by farming, or by any other industry; but he did not give us a statement of these particular classes of people or into what classes these depositors were divided, so that we would be able to satisfy ourselves and satisfy the country that the statement he makes is correct. I will point to a place in his own province, the town of Summerside, with a population of of not over 4,000, where a savings bank has been recently opened, and in which over $100,000 has been deposited from the earnings of the people within the last twelve months. It is true there has been a little disturbance in the banking interests of that Island; still the banks are safe, and although the Bank of Prince Edward Island has gone down, a larger bank has taken its place. Unless that hon. gentleman is prepared to state in his place in in this House that there is less energy, prudence, care, industry and watchfulness, pride and ambition in the people of Prince Edward Island than in the population of any other portion of the Dominion, he must stand convicted of not having investigated this matter perhaps as fully as he ought to have done. I hold in my hand a statement showing who are the depositors in the savings bank of the Dominion, and we will see if the statements which he has made here will be borne out by the statistics prepared by Mr. Cunningham Stewart, chief of the Savings Bank Department, and which were set forth in the paper read before the British Association last summer in Montreal. The first class he refers to is the farmers. 14,000 farmers deposited $4,722,000, or an average of $337 each. That is not bad for the farmers; it shows that the National Policy has not hurt them any. Their deposts aggregate more than the deposits of any other class of the community. Next in value come the mechanics and we find that 7,850 mechanics deposited $1,422,000, or an average of $181 each. Is that not a fair indication of the prosperity of that class? Does it not prove conclusively to the mind of every intelligent man that the prosperity of the mechanics must certainly be in proportion to the amount that they have to their credit in the savings bank? Do we not each and all of us accept the fact that when a man has money in the savings bank he is looked upon and respected for his thrift and industry? The next class is the trust accounts and children's deposits; 5,500 deposit $170,000, an average of $31 each. Now, if there were any great deposits of money placed in the savings bank on account of trusts or of children under age, it will be shown here, but there is none. So far as that item goes it clearly proves one thing, that the money in the savings bank comes from a class of people who are accustomed to save out of their earnings, and deposit it in the savings bank for that purpose. The next class is 3,000 clerks whose deposits average $174 each. Next comes 1,600 tradesmen whose average deposit amounts to $293 each. These are classes of people who have to economize in order to save anything and live. Then we have farm and other male servants numbering 1,470 whose deposits average $188 each. Next we have 1572 professional men with an average

deposit of $249 each. Then we have miscellaneous depositors numbering 1680, and averaging $128 each. Next we have 12,000 married women whose deposits average $196 each. There are 10,500 unmarried women with an average of $120 each, and 3,240 widows averaging $214 each. With a statement of facts like that before us, is it not beyond all doubt that the money in the savings bank of this Dominion comes from the industrial classes? There is no other conclusion that any hon. gentleman can come to. If we turn now to the chartered banks, what do we find? Here is a class of people who do banking, not for fun, but to make money. They certainly ought to be looked to as the barometers of the trade and prosperity of the country and more particularly what is called the mercantile world. We find on looking at that statement that the increase in the peoples deposits in chartered banks from the 1st of January, 1874, to 1st of January, 1879, was $8,499,942.49; while the increase of deposits in the same bank from the 1st of January, 1879, to the 1st of January, 1884 was $25,903,564.75. Surely that must be taken as an indication that the country is progressing. No if we take the sums in the savings banks, we find that the increase in savings bank deposits over withdrawals from 1st of July, 1874, to 1st of July, 1879 was $1,997,422.37; while the increase in the same from the first of July, 1879, to the 1st of July, 1884 was $20,009,853.84. I have shown from these returns from the chartered banks, and from the savings banks, that the people of this country have been able to save from their earnings this large amount of money, and if that is not an indication of prosperity in this Dominion, I am afraid I shall not be able to convince my hon. friend. If he turns to the post office account he will find there that the letters transmitted through the mails throughout this country have nearly quadrupled in number in the same period. Is not this another indication of prosperity in the country? The hon. gentleman said at the commencement of his speech that if he were only satisfied that this National Policy was a good thing for the country, wedded though he is to free trade principles, he would adopt it. I will quote the hon. gentleman's remarks as they appear in the official report:—

"I protest here, in this House, that if I could be persuaded of the truth of the principle of the National Policy, I would even now desert my old principles of free trade and become an advocate of the National Policy; but the more I have studied that question, the more I look into the history of it in the United States, in Canada and in England the more convinced I am of the correctness of the principle which has made England the great and wealthy country she is at the present moment."

If I cannot convince my hon. friend from the indications shown by the returns from the savings banks, from the chartered banks, and from the prices of goods throughout this country that the Dominion has prospered under the National Policy, I am afraid I will be unable to make a convert of him. But what does the hon. gentleman state himself as he closes his speech? He states: "If you give me a select committee of this Parliament where I, with my friends, will be enabled to bring evidence before that committee, I will be convinced?" Has there been no committee before which this question has come? Has not this question been submitted to a committee of 50,000,000 of people in the United States, and has not a committee of 5,000,000 of people in Canada already decided it? Have there not been committees since the last general election in every province of the Dominion, and what better committees can you have than a committee of the whole people themselves? Has not the hon. gentleman had a committee at his own door in the contest in which Dr. Jenkins was elected for Queen's County only a short time ago? Was the hon. gentleman not one of that committee himself, and did he not upon every platform where he could advocate his particular views, advocate them as he always does with ability and energy, and did not that select committee pronounce against him and his friends, and send Dr. Jenkins here as the representative of that constituency and the National Policy? What other way could you get committees together to pronounce an opinion more forcibly or more decidedly than those committees of 50,000,000 on one side of the line and 5,000,000 on the other,—two select committees in Canada since 1878? It is not too much to say that the people at large thoroughly understand

this question. I have no doubt that the gentlemen who espouse the views of my hon. friend, ably advocate it in the press and on the platform, and have done so on every occasion during the last six years, but still the fact remains beyond any dispute that the people of Canada are as well satisfied with the National Policy to-day as they were when it was first introduced. I feel that I have wearied the House by quoting dry figures connected with this question, but it is only by producing these facts that it is possible for one to meet the statements of hon. gentlemen opposite, but I have no hesitation in telling my hon. friend that when the committee of the people is again appealed to, the same answer will be given that the Government that rescued this country from annual deficits and raised its credit and made it stand as high in the money markets of the world as it does to-day, deserves the gratitude and the support of the people of this Dominion. It is a gratification to me, as it ought to be to every one of us, to have been permitted to be present at the inauguration of this National Policy—and of what I may call the grandest effort of any people in the world, in the building of a line of railway from the Atlantic to British Columbia. I say it is a gratification and a pleasure to have been permitted to share in, and assist in a feeble way at the inauguration of such a gigantic enterprise, and to see it carried to a successful result. If it were not for the success of that enterprise would we be able to hold this Dominion together to-day? Would we be able to take these separate provinces and galvanize them into a nation if it were not for this interprovincial communication? Supposing it was as difficult to get from the Maritime Provinces to Ottawa now as it was in 1867, what would be the state of affairs? How would we be looked upon by the people abroad—even by our neighbors? We have won the respect of our neighbors because we are trying to make the best of the heritage that has been left us by the Creator, and because those people are not forgetful of the struggles which the founders of this Dominion have had. The people have stood faithfully by the men who carried out the views which were held when the broad foundation of the constitution of this country was laid.

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I have not the remotest doubt, when the next appeal is made in the hon. gentleman's province, and the question is there discussed, as to what the result will be. If there was any question with regard to this policy, and the benefits it was conferring upon the Dominion, the Government would not be blind to the appeals of the people and would remedy it as they did in 1878. I say it must win the respect of every intelligent man that while the revenue has been raised, the people have not felt the burden, and the public works that have been carried through under this policy will be a lasting monument to the statesmanship of the men who inaugurated it.

HON. MR. ALEXANDER — The speech which has just been delivered by the hon. gentleman from Alberton is one replete with very valuable information, and he has advanced views with many of which I cordially agree; while there are others with which I cannot concur. I regret that I come to the consideration of this subject with very little preparation to discuss it. I regret very much that through the deafness of age I was unable to follow the remarks of the hon. gentleman who introduced this question, and who, I have no doubt, expressed to this House the public sentiment of the Province of British Columbia, from which he comes, very faithfully. With regard to the remarks which fell from the Minister of the Interior I scarcely took the trouble to listen to them, because I know of my own knowledge, and the House knows, that he was a pronounced advanced free-trader all his life until he entered the Government of this country. It is possible we may have upon some future occasion a two hours sermon on the subject of loyalty from the hon. gentleman, whose name was removed from the Militia list in the year 1849 by Lord Elgin, because of his annexation proclivities. However, I am not going to transgress the rules of this House by further remarks on that point. What we are called upon to consider to-day is the effect of the tariff of 1879. There can be no doubt that the Reform party, of which Mr. Mackenzie was the first minister, made a very grave mistake in resisting the public sentiment of the country at that period when they found the Domi-

nion overrun with American runners, underselling our manufacturers, and shutting up the workshops of the country. I am sure that many of the members of the Reform party, and even Mr. Mackenzie himself, whom the country looked up to with the greatest possible respect as an honest public man and a very experienced statesman, must feel now that he made a mistake, and that it would have been wiser, had he at that moment enneavored to modify the views of the party of which he was a distinguished leader, according to the dictates of his own honest conviction. It was quite evident in 1878 that the country was rapidly drifting into a most serious condition. It was quite evident that our manufacturers could not hold their own against the great enterprise of the neighboring Republic, and I quite agree in regard to that point with the remarks of the hon. gentleman from Alberton, whose views are always practical and based on former experience as leader of the local Government. I am bound to confess, and we must all confess that with regard to the National Policy very favorable results have followed from the adoption of the tariff of 1879. I do not go so far as to say that the tariff was perfect, that the duties imposed have not been too large and have not led to a certain amount of disaster to which I will refer in a few minutes. Now we have to consider whether the present tariff is the wisest under existing circumstances. There can be no doubt that we have shut out a large number of the American runners. It cannot be denied that a number of domestic industries have sprung up in the country, that a large number of mechanics have been employed, all tending very much to increase the wealth of the country. So far the National Policy has done good, but in what stage do we find some of our manufacturers at this moment? Do we not find with regard to the cotton manufacturers that from the natural enterprise of those men who have gone into that special branch of industry, and in consequence of the very limited population of the Dominion, we are manufacturing too much for the consuming population? I should be glad to feel that there was a prospect in the future for our cotton industry. It is all very well for hon. gentlemen to say that if the cotton manufacturers will ruin themselves, no one can help it, and the consumers will benefit by it; but we do not want to produce that result by our tariff. No one desires to see too many enter into any particular branch of industry, and bring ruin upon our most enterprising men. The practical statesman will always frame the tariff to stimulate only a sufficient amount of enterprise, but not to induce manufacturers to destroy each other. So with regard to sugar; and I may say that I differ somewhat from my hon. friend who has just taken his seat with regard to the manufacturers of agricultural implements, because I have met personally some of those gentlemen who begin to feel that with the large amount of capital they have put into their establishments at Ingersoll, Galt, Guelph and other places, they really have produced too much. A considerable stock of their mowers and reapers is lying now in the North-West without demand. That I know as a fact from some of those manufacturers who are personal friends of my own, and whom I have known for upwards of a quarter of a century. The population of our country is still limited, and the immigration into the North-West has not been what was expected, and consequently we find a large number of our establishments are suffering because their products are lying there, and they may continue to lie there for some time to come. We know that the present state of the North-West is, that while we have got a large prairie country, it is lying north of latitude 49 with certain geographic and climatic difficulties, while the territory south of us attracts the lion's share of immigration coming from Europe. Now, as regards revenue duties, I regret very much that I cannot quite agree with my hon. friend who has just taken his seat—I always regret when I cannot agree with him because he is a gentleman of large practical experience. When we look at the present position of affairs not only in Ontario but in other parts of the Dominion, I do think that the duty upon coal ought to be removed. It is very easy to assume that the country is prosperous. We may have some evidences of prosperity, but will anyone say that the multitude have not a heavy struggle in life? Will anyone who knows the cities of Toronto, Hamilton, London, Kingston, Montreal or Quebec, say that the masses of the people have not a hard struggle for existence?

My experience of those cities has been, that at this moment life is a heavy struggle with the multitude. The fact that a few carriages and livery servants are floating about the streets is no evidence of a prosperous condition of society. Merchants in Quebec tell me that it is most difficult to live, such is the competition in trade. Some hold that almost no one can live at this moment honestly unless he has recourse to what is called "the tricks of the trade." The floor of Parliament is the proper place to express the views of our honest enterprising men who are struggling with life. Then with regard to clothing, will any man say that the price of clothing has not been increased by the present tariff? So with regard to drugs, you cannot go into a drug store and buy the ordinary articles of consumption that the chemist will not tell you the duties are so high that they are obliged to put on 30 or 40 per cent more than they used to do. Now with regard to wines—this is a subject I should like to touch upon. It is a very popular principle to announce that the Government are going to put high duties on wines, but what is the result? Take the duty upon Champagne, $8 a basket; one of the results of that excessive tariff is that spurious and inferior wines are offered that are most injurious to health. How many of you, hon. gentlemen, are exposed to wines at state dinners which punish you pretty severely next morning? The effect of the high tariff on wines is to make some of those who give dinners present wines to their friends of an injurious character; I think myself that such dinner givers should be indicted. I say that no man—a man of proper instincts—would invite his friends to his house and give them wine which will injure their health. My hon. friend from Belleville (Mr. Flint) will say that he is very glad if they suffer; he hopes such will stop all importation, but it does not stop importation, and until society is very differently constituted we shall find people importing their wines, and if they cannot afford to pay those high duties they will import lower classes of wines, liquors calculated to injure their health.

HON. MR. FLINT—Do not drink them.

HON. MR. ALEXANDER—I do not generally accept invitations to state dinners and do not intend to do so, because I think there could be nothing more calculated to injure the health of members than the use of such wines. Upon the whole I think the tariff might very well be revised. I do not think it is the wish of the Parliament of the country to give the government of the day or any government too much money. The imposition of such high duties as will give the Finance Minister a surplus of $5,000,000 is a grave mistake, for as certain as he gets possession of the $5,000,000 will it increase the extravagance and wastefulness of the Government. We have seen how the public moneys are wasted in every direction. I heard the other day casually of a most extraordinary instance of extravagance. We are erecting, below, a new departmental block, and while the best material for the erection of that building can be obtained near the residence of Mr. Alonzo Wright, about two miles distant, the present Government, in order to get the support of one or two New Brunswick members, are actually going to carry the stone for the erection of that building hundreds of miles over the Intercolonial Railway, all the way from New Brunswick. Could there be a greater evidence of the corruption of the present Government, thus buying up the members at the expense and waste of many thousand dollars? They impose high duties upon coal; they thus take the money out of the pockets of the poor people for their fuel and clothing, to waste it buying up two or three members from New Brunswick. This manner of administering the government should surely be stopped. I think the tariff ought to be in some matters revised, and I think the less surplus we give the Government the better it will be for the interests of the people.

HON. MR. POWER—I do not propose to trouble the House at any great length on this subject. I do not think that very much is to be gained by the discussion of the question of free trade and protection, particularly in the somewhat abstract way in which it has been debated in our House. I think a discussion upon the principles of free trade and protection is something like an argument about religion—that it leaves the parties on both sides just about where

they were before it began. I have never known of anyone being led to change his views by a religious controversy. I am glad to see that we furnish in this House perhaps one exception to that general rule, because the hon. member from Woodstock who was a very enthusiastic protectionist at one time has got at least half way over, and I hope that if he keeps on and is true to the light afforded him he will get over all the way in another year. Talking of converts, reminds me that the hon. gentleman from Alberton (Mr. Howlan) who opened the debate to-day offers us a case of perversion. That hon. gentleman as late as 1878, was not an admirer of a protectionist policy, but at that time was a very decided believer in a tariff at least as low as that imposed by Mr. Mackenzie's administration.

Hon. Mr. HOWLAN—I was always an advocate of the National Policy.

Hon. Mr. POWER—The hon. gentleman then must have stood almost alone in Prince Edward Island; because at the election in 1878 the hon. gentleman who led the party of my hon. friend, declared himself an out and out free trader; and I have always understood that he was a believer in that Policy. I find that before the hon. gentleman came up here his name was signed to a document which was submitted to the Home Government in which the free trade doctrine is laid down in a very clear way.

Hon. Mr. HOWLAN—Yes you may find that.

Hon. Mr. POWER—Then I think I am right in saying that the hon. gentleman from Alberton is an instance of perversion on the subject.

Hon. Mr. HOWLAN—No, I rise to set my hon. friend right. What my opinions were when I was a Minister of the Crown in Prince Edward Island is one thing. Many gentlemen who have been strong advocates of free trade support the National Policy—notoriously one occurs to my mind now.

Hon. Mr. DEVER—What Government were you in favor of in 1878? Were you not in opposition to the present Government in 1878?

Hon. Mr. HOWLAN—No.

Hon. Mr. POWER—I did not ques- the hon. gentleman's right to change his mind; I was only pointing out that he had changed his mind.

Hon. Mr. HOWLAN—No, I have not changed my mind.

Hon. Mr. POWER—I think I find, as is generally the case with converts, that he is more enthusiastic in advocating his new belief than are old believers.

Hon. Mr. HOWLAN—Since the introduction of the National Policy, I have always been a strong advocate of it.

Hon. Mr. POWER—I am not contradicting that. Then the hon. gentleman's principles changed I presume about 1878 or 1879, when the policy was introduced.

Hon. Mr. HOWLAN—No.

Hon. Mr. POWER—I do not think, as I say, that there is much object in discussing the general question. I think that if any hon. member of this House can rise here to-day and say that this country is prosperous, that business is in a satisfactory condition and that the people generally are satisfied with their material condition, there is no use arguing the question with that hon. gentleman; because the facts are plain, and if anyone denies them he is not open to conviction. We have got into a way—and the system was introduced by hon. gentlemen opposite—of laying down the doctrine that governments should take the place of Providence. That doctrine was first laid down I think about the year 1876, by the hon. gentlemen opposite when they were in opposition. When the depression which spread over the whole world extended to Canada, those hon. gentlemen and their friends in the other branch of Parliament and all over the country declared that it was the fault of the Government, and that if they were put into power they would remedy the evil—that they

were able to do the work of the Almighty. These hon. gentlemen got into power, and my hon. friend from British Columbia who brought this matter before the House told us that as soon as they came into office a pall was lifted from the face of the country, that the country bounded at once into prosperity. What are the facts? The facts are that in the year 1879, the depression was greater than it had been in any previous year and that we did not reach bottom until 1880.

HON. SIR DAVID MACPHERSON—1879.

HON. MR. POWER—I beg the hon. gentleman's pardon, we did not reach it until 1880, when this policy had been in existence for some time; so that there was not any bound; and we did not go up any sooner than they went up in England and the United States, so it clearly was not the result of the National Policy. I was somewhat surprised at the argument of the Minister of the Interior. Everything that happened after the introduction of the policy was due to it, and the fact that these things did not happen before was attributed to the want of that policy.

HON. SIR DAVID MACPHERSON—I pointed to the trade returns.

HON. MR. POWER—That simply showed that trade improved, but trade improved in England and the United States where they had not adopted a new policy.

HON. SIR DAVID MACPHERSON—They had it in the United States.

HON. MR. POWER—It was an old policy there. There is one answer to all that. Taking our own country; we fortunately did not begin to live in 1877 or 1878. Canada had existed for a great many years, and there have been periods of prosperity and periods of depression in the past. Under the Government of the hon. gentleman opposite in 1871 and 1872, the country was prosperous, just as prosperous as it has been under the National Policy, but they had no National Policy then, so that prosperity could not have been due to that policy. This shows that the argument of the hon. gentleman from Ottawa and the hon. gentleman from Prince Edward Island is a sound one, that our prosperity is not due to the change of our fiscal policy, but to causes which are in the hands of Providence and beyond the power of the Government to control. I do not blame the Government because we are not prosperous now. They cannot make the country prosperous; though they have made it worse than it would have been if they had let nature alone. I feel a sort of unchristian satisfaction in seeing the Government worried as they are to-day by the dissatisfaction that has arisen throughout the country because the Dominion is not prosperous. These gentlemen assumed to themselves the functions of Providence; and now that the people find they are not gifted with these functions, they are angry with them. It serves the Government right, and they should continue to suffer for their dishonesty.

HON. SIR ALEX. CAMPBELL—Whenever they have an opportunity they return a supporter of the Government.

HON. MR. POWER—That is another question which I do not propose to argue. The hon. member from Woodstock did advert briefly to the manner in which supporters are occasionally secured. The argument from the returning of Government supporters is not worth very much. I can speak for the county of Halifax, at any rate. That county owed a great deal to the Government of Mr. Mackenzie. There had been a great deal done for Halifax; but times were rather bad—not as bad as they are now in the country. But the people of Halifax were assured in 1878 that Mr. Mackenzie's Government were a set of miserable incapables, that they were 'flies on the wheel,' and that if the gentlemen then in opposition were put into power everything would be lovely and they would be all rich and happy. The people suffering from business depression and hard times were ready to lend their ears to the voices of those deluding charmers, and they voted with them. If two men of straw had been up in the county of Halifax in 1878 against the Liberal candidates of that day, they would have been elected. It was not a question of

men; it was simply voting against hard times. The Minister has referred to the second election, that of 1882. The hon. gentleman who leads this Government whatever else he may be, is an exceedingly astute politician, and I fancy he saw the clouds gathering in 1882. There was no sufficient reason apparent on the face of things for going to the country at that time, and he went to the country before the tide had turned. He saw that it was about turning, and he went to the country while it was at the flood, and came back successful. But talking of the county of Halifax, I ask the Minister of Justice why it was that a little while ago when there was a vacancy in the Government for Nova Scotia, and it was expected that one of the gentlemen representing Halifax in the House of Commons was to fill it—it was so understood—

HON. SIR ALEX. CAMPBELL—The understanding was wrong that we so intended.

HON. MR. POWER—I am glad for the sake of the gentleman who lost the seat in the Government, that he has a seat which, if less comfortable, saves him the necessity of appealing to his constituents.

HON. SIR DAVID MACPHERSON—Did not the county of Halifax return a member to support the Government, since 1882?

HON. MR. POWER—Yes, by compromise. The statement has been made that there was a want of wisdom shown by Mr. Mackenzie's Government in not raising the tariff in 1876. The hon. Minister of the Interior as well as the hon. member from Alberton spoke of that. It is generally understood that the Finance Minister at that time did propose to raise the tariff from 17½ to 20 per cent., with a view to make the revenue equal the expenditure, and the Minister would have been justified in doing it. It was not done, owing to the representations of the members from the Maritime Provinces.

HON. SIR DAVID MACPHERSON—Then I was right. Was 2½ per cent. the only increase he proposed to make?

HON. MR. POWER—I understood that was the substantial change. I have never made any inquiry as to the details, but there was to be that general levelling up to 20 per cent., I understood. Now there is another fact with reference to that proposed change of tariff which has not been adverted to here that is worthy of some attention. The hon. gentleman who acted then as the financial critic for the Opposition—the gentleman who is now High Commissioner in England—understanding that the Government were about to raise the tariff, was prepared to go it blind as a free trader, and he undertook, in the House of Commons, to intimate that something which was being done was the introduction of the thin end of the wedge of protection. Now the policy, I have no doubt, which would have been adopted by my hon. friends opposite, if the Finance Minister of Mr. Mackenzie's Government had raised the tariff, would have been to have gone in for free trade. They would have said that this ruinous tariff which had been imposed by the administration, was placing an additional burden on an already over burdened people; and I have no doubt that they would have carried the country on the free trade issue just as well as they did on the protection issue. Hard times would have done it.

HON. SIR DAVID MACPHERSON—I think the hon. gentleman is altogether incorrect in what he says as to Sir Charles Tupper's intentions. He cannot have had an opportunity of knowing them, and I, as one of those who had, believe the hon. gentleman is in error—know that he is in error.

HON. MR. POWER—I have not the official report of that day by me, but I think I can establish the fact that the hon. gentleman who was then member for Cumberland and doing the financial work for the Opposition did indicate that he thought he saw the thin end of the wedge of protection, and was prepared to denounce the conduct of the then Finance Minister for introducing that wedge. A good deal has been said both here and in other places as to the example afforded us by the United States. I think it is absurd to compare a country like ours, with a population of

some five millions or less, strung out from the Atlantic to the Pacific in a thin line along the edge of a great and populous nation, with the United States, a compact country of some 55,000,000 of people, containing every variety of soil and climate, and with consequently every kind of production.

The people in the United States, even though they may have a high tariff which excludes the products of other countries, have free trade amongst themselves, and consequently they have suffered less from protection than they would have suffered under other circumstances. But there is one fact that I think hon. gentlemen who ask us to look at the example of the United States leave out of sight, and that is the fact that in the free trade period of the United States, in the decade from 1850 to 1860, the United States were as prosperous and the progress of their manufactures was as great relatively as during any decade under the protective system, and the humbler classes—the mechanics and working men—were better off in the Republic in 1860 than they are to-day. There is another fact which we are apt to leave out of sight in talking of the United States—that emigrants from Europe have been pouring into that country since 1848 in enormous numbers; and it has been estimated by persons who give their attention to those questions, that each adult immigrant is worth about $1,000 to the country to which he comes.

There have been years in which as many as 250,000 immigrants have settled in the United States. Look at the immense wealth which that represents? Valuing each emigrant at $1,000, those 250,000 immigrants would represent $250,000,000 added to the country's wealth. I presume however that as they are not all adults, one would have to make a reduction in that amount, but that is a feature of the prosperity of the United States which deserves to be considered. There is one point upon which a good deal of stress has been laid both by the Minister of the Interior and the hon. gentleman from Alberton, the increased deposits in the savings banks. There are different ways however, of looking at that subject. I happen to have had something to do individually with deposits in the savings banks; and our experience, in Halifax, is the great increase in the deposits in the savings bank is due to circumstances, none of which are benefits resulting from the National Policy. One fact is that at the present date you can get 4 per cent. for money in the savings bank, while in the chartered banks depositors can only get 3 per cent. That is one reason of this increase, but the more substantial, and the more important reason is that the people who have money to invest, and who wish to invest it with a moderate degree of safety, cannot find any better investment than to put it into the savings bank. If there were good opportunities to invest in real estate—if there was any speculation going on; if business was prospering, there would be opportunities to invest money at a better rate of interest than 4 per cent; but because there are no better investments to be had in the province, people put their money into the savings bank where there is no appreciable risk even though they get only a small interest.

Going back to the question as to what the state of things is, I do not think there is much use in arguing with gentlemen who say we are prosperous now. Hon. gentlemen must be aware of the fact that the boards of trade in Halifax and St. John have been, during the last couple of years, passing resolutions which indicate that trade with them at any rate is not in a very flourishing condition, and asking the Government to make certain modifications in their trade policy, with a view to improve things. We are discussing the trade of the country, and hon. gentlemen who have preceded me have taken a pretty wide range, and perhaps the House will allow me to quote from a a resolution passed on the 4th of March, 1885 by the Halifax Chamber of Commerce with reference to the duties imposed by the Spanish West Indies on Canadian goods. The resolution reads as follows:

"Your Committee regret to learn that discriminating duties in favor of American fish and other products still exist in the island of Cuba and Porto Rico, and that representations of the Chamber to the Dominion Government last year on the subject do not appear to have produced any effect. In the present depressed condition of the West India trade, these discriminating duties on our staple products are a very heavy burden, and call for prompt and

energetic representation by the Dominion Government, who can alone deal with this matter."

The sugar business is in wretched condition in Halifax. Last year a deputation representing the sugar interest came to the Capital, and had an interview with the Minister of Finance as to their grievances, and he gave them to understand that some change in the mode of testing sugars would be introduced this session. They asked that sugars should be tested as they are in the United States, and in most enlightened countries now, that is by the polariscope. They applied to the Minister this session, and notwithstanding the resolutions of the Chamber of Commerce the reply of the Government is "we will not do anything this year either." With the permission of the House I will read the comment of the Montreal *Herald* on this resolution—a paper which cannot be accused of being friendly to the Opposition :—

"As this is only a movement to secure fair play for Canadian products in foreign countries, and not for the purpose of increasing the price of bread all over Canada, we presume that it has been let pass as a matter of no moment. True, the complaint is that a blow at the fishing and trading and shipping interests of a very large and important section of Canada has received no attention and led to no action, although the grievance is of such long standing, but the fact that the complainants are not millers and rich, and are moving for the benefit of a whole province, instead of merely fighting for their own pockets, tells against them. They ought to get up rings, and send monster delegations to Ottawa, and bully members of Parliament and members of the Government, and leave no stone unturned to increase their individual wealth at the public's expense. Then, perhaps, their righteous grievance would stand some chance of being considered."

HON. MR. HOWLAN—Who moved that resolution ?

HON. MR. POWER—The resolution was adopted by the Halifax Chamber of Commerce on the 4th inst. A similar resolution had been adopted by them on the 4th of March, 1884. There is no difference of opinion in Halifax on that subject, and politics have nothing to do with it. I think there is that to be said about the policy of the present Government as a general thing, it is people who have large political influence—the heads of big manufacturing concerns, and large contractors, who have the most influence to-day with the Government, and whose interests are most looked after.

There is another point to which I might revert before I turn to this report of the trade commissioner, and that is, that the boards of trade of Halifax and St. John have urged upon the Government the desirability of doing something towards procuring reciprocity with the United States, and the Government have declared that they do not propose to do anything in the matter. This question of reciprocity was a matter that was particularly brought before the notice of the people in the Lower Provinces some years back. In 1877, when Sir John A. Macdonald propounded his National Policy—his resolution favored a policy which looking towards a reciprocity of tariffs would ultimately secure reciprocity of trade. We have got very near to reciprocity of tariffs ; and I think the time has come when the right hon. gentleman who leads the Government should see whether the result of his reciprocity of tariff has made it easier to get reciprocity of trade. The resolutions of the merchants of Halifax and St. John are deserving of some attention, and they have a right to expect that the Premier will now do what he said his policy was intended to do several years ago; because if after so many years of the operation of the National Policy the United States are no more disposed to make a reciprocity treaty with us than they were before, the feeling must be that to that end at any rate the National Policy has been a failure. The notice which the hon. gentleman from British Columbia placed on the table was a notice that he would call attention to the report of the commissioners relative to manufacturing industries in Canada, and I have been led to follow the example of my predecessors, and to wander away from that report to some extent. I shall not deal with the report of Mr. Blackeby who made the inspection in Ontario and Quebec, because I do not know much about the industries of those provinces ; and further, I have not had the opportunity to examine the report. But Mr. Willis says that he made his investigation in St. John a thorough one. I may say to begin with that this report is

one that is to be looked at with some suspicion. The policy of the Government has been in operation for some considerable time. They were naturally anxious to make it appear that that policy was a success, and they appointed two gentlemen, whom they paid very handsomely, to go out and inquire. I think these gentlemen were prepared to look at everything through a rose-colored medium. They were doing very well out of the policy; they were getting very good salaries; and we may be quite sure that where there was a doubt the policy would get the benefit of it, and things would be very black indeed when those gentlemen would report that they were of any dark color. I do not know that it is necessary to give evidence that times are not good in the Lower Provinces, but perhaps as this report has been quoted in the teeth of every day experience and common sense, it may be well to quote it again to show that even these commissioners do not report general prosperity. This is the way Mr. Willis speaks about St. John, taking the place as a whole :—

"Even in St. John, notwithstanding the exceptional circumstances which surround the year with which 1884 is contrasted, evidence of fair progress is not wanting, though the business stringency of the year just passing away makes it difficult for persons unacquainted with industrial methods to give full credence to the statement."

That means that the ordinary business man and the ordinary workman in St. John who has felt the business stringency, being unacquainted with the industrial methods finds it hard to believe that he is not worse off than he was in 1878. I am disposed to agree with the ordinary "business man, and the ordinary workman." Then see the comparison which this commissioner makes in order to make it appear that affairs are better than they are, when he says :—

"Nothing but a personal and painstaking visit on the part of those who can carry their mind back ten, fifteen or twenty years, and contrast the producing capacity of the respective industries then with their condition now, will do this in anything like a thorough manner."

Now, the commissioner was not sent out to make a comparison of the business of St. John to-day with what it was twenty years ago; he was sent out to compare the condition of the industries now with their condition in 1878. Again, he says :—

"The result will be found set forth in detail in the statements of the parties interviewed. A few, as will be seen, dislike the policy; some acknowledge partial benifits; some give full credit for success, and others are too candid to blame the policy for disasters caused by errors of judgment, lack of foresight, or unlooked for troubles in unexpected quarters."

Then he goes on, and I call the attention of my hon. friend from British Columbia to this part of the report :—

"The bad crops of the past two years, overproduction, the diminished purchasing power of the industrial class from this cause, the locking up of capital by investments in nonproductive enterprises, over-production in certain industries, depression in the lumber trade, and the revolution which the substitution of stamers for sailing craft has brought about in the carrying trade of the world, are among the leading causes variously assigned for the troubles which have clustered around the year 1884."

Does that read like the report of a prosperous year or a prosperous city? I will now refer to what he says about the sugar refineries :—

"There are four well equipped sugar refineries in the Maritime Provinces—one in Moncton, New Brunswick, one in Dartmouth, Nova Scotia, one within the limits of Halifax city, and one outside of the city limits, on the western bank of the north-west arm. The latter refinery is smaller in size and capacity than the others. All four establishments were in operation when visited, even though at the time refined sugars were ruling lower in price than for many previous years. The managers of the respective establishments did not appear to be at all despondent at the condition of the trade. They indulged a cheerful, hopeful spirit, seemingly confident that the troubles which had arisen under a new order of things were not insurmountable."

Hon. gentlemen will see by this that troubles had arisen; and I may mention that at the time I left Halifax two of those refineries were not working; and since I came up here I have read a report of the annual meeting of the Nova Scotia Sugar Refining Company, from which it appears that that institution lost $208,000 during the last year; and if it had not been that the shareholders were men of very considerable wealth, that industry would have gone by the board.

HON. MR. PLUMB—I thought the contention of the hon. gentlemen of the Opposition at first was that these refineries would make too much money.

HON. MR. POWER—I took the opportunity of stating some four years ago, I think in reply to something that fell from the hon. gentleman from Hamilton, that I presumed the course of things in this country would be the same as elsewhere; that during the beginning of the period of high tariff, the people who were first in the field and got the advantage of the tariff at the beginning would make money; that in a little while there would be great competition—too many people would run into the business of manufacturing, and then there would be losses, and ultimately the weaker establishments would go to the wall, and the stronger would survive, and I think that experience has shown that that is just about what has taken place. The weeding out process is now going on; and as my hon. friend from Lunenburg has a good deal of stock in the Nova Scotia sugar refinery, I should like to know if he relishes the weeding out process when applied to himself?

Taking the cotton industry as to which the hon. gentleman from Alberton spoke with a good deal of force of language and gesture, and with considerable force of argument; what does this commissioner report as to that industry?

"This industry has for some time been in rather an unhealthy condition. The decline is due to a number of causes. First, to the failure of certain important crops for a couple of years, and to the depression in the lumber trade; secondly, to the miscalculation of manufacturers as to the consuming powers of the world's cotton centres in a time of short crops and general business depression; thirdly, to the large sameness in the cotton product of the Dominion, and the shortsightedness of usually shrewd men in overlooking the variety requirement when taking advantage of the stimulating influence of the tariff; fourthly, to the too great dependence placed upon special centres to distribute the manufactured goods, and the inadequate efforts to secure more extended markets, etc."

Then I come to another great industry, the boot and shoe industry, and what does he say about that?

"The boot and shoe business in New Brunswick and Nova Scotia is not so flourishing as in some former years. The general depression has retarded its progress, and over-production, which gives rise to keener competition has cut into prices. Employers and workmen suffer in consequence, and the general public enjoys only a seeming benefit."

This Balaam seems to have been called upon to bless the National Policy, and instead of doing that he curses it.

As to the furniture industry he says:—

"As furniture manufacturers are protected by a duty at 25 per cent. they cannot conscienciously complain. But in this view those who profess to be seriously pinched by the tariff in the direction named are not inclined to concur."

Then he speaks of the iron and nail industry and reports that as being prosperous. As to certain works, the steel works and the iron works of New Glasgow, the Starr Manufacturing Company's works at Dartmouth, I agree with him that they are fairly prosperous. As to the most important iron industry of all in the Lower Provinces, the Londonderry Iron Works, the commissioner could not have had his eyes as open as he should, because it is only a short time since that company was obliged to make a compromise with its creditors. He further reports:—

"In some instances, peculiar circumstances aside from general depression, affect certain branches of the trade. In ship's works there is an undoubted drop so far as St. John, Portland and Quaco, New Brunswick are concerned, the revolution in the shipping interest caused by the introduction of cheap iron steamers, and cheap iron ships having paralyzed the building of wooden ships—an industry in which for many long years St. John stood proudly pre-eminent."

Now, why is it that the Minister of Finance who assumed to be gifted with the powers of Providence, has allowed that great industry—the most important industry of his own province, and in his own city—to get into a state of depression? Of the clothing interest the Commissioner reports:

"The clothing trade is affected injuriously by the general depression, and to a very considerable extent. The purchasing power of their usual markets is curtailed, and Ontario and Quebec dealers are forced to throw upon a tardy market competive goods at low prices."

This does not seem to indicate that these moneys deposited in the savings bank represent the surplus funds of the working classes to any extent. He speaks of Messrs Morrison & Co. proprietors of

the Mammoth Biscuit Works at Halifax and says :

"The duty on wheat diminishes their gain on the manufacture of flour in their own mill at Bedford, and the duty on hard coal used in their bakery, adds to the cost of production."

I might add that this concern has been in the hands of an assignee for two years now. Dealing with the lumber interest of New Brunswick, Commissioner Willis reports :

"The demand for vessels of large tonnage is no longer what it once was, and the shipyards do not resound with the busy hum of industrial life. An occasional large vessel finds her way from the blocks in one or another of the almost silent ship-yards to supply some special trade requirement of the builder or his friends rather than to find an eager purchaser. The prostration of this trade in wooden ships—how important can best be appreciated by those engaged in shipping ventures—had naturally a detrimental effect upon the prosperity and progress of the peoples of the two cities. Commercial policies could not bring back the lost trade, government edicts could not be made to shackle the wheels of progress, legislative enactments were unsuited to revivify waning industries, though capable of stimulating substitute employments."

I do not think hon. gentlemen will need any further evidence that down in St. John, and of course as in St. John all over the Province of New Brunswick, business affairs are not very bright. To show that these industries that I have mentioned are not exceptional, I will just quote from page 43 of the report what he says about the number of persons employed.

"The total number of persons employed all over the city and county of St. John, at the various industries, with the exceptions already noted was 8,555 in 1878, and 8,562 in 1884. The total weekly wages paid to the operators in the respective years amounted to $63,749.16 in 1878, and $61,980 in 1884."

So that it will be seen that the number of men employed and the wages paid in St. John in 1884, are both less than in the year 1878. I notice further on in the report that in several industries the number of men employed is reduced. As to Halifax the Commissioner says :—

"To those who knew Nova Scotia's capital and surroundings in the olden time, they (the statistics given) will furnish a pleasing, and, in not a few instances, a surprising record."

If I am not mistaken Mr. Willis is a native of Halifax, and has been out of it for some thirty years, and the Halifax with which he is comparing the Halifax of to-day is the Halifax of more than a quarter of a century ago ; but if he would compare the Halifax of to-day with the Halifax of say 1867, I do not think he will find any improvement, although we ought to have made considerable progress. He speaks of the three sugar refineries. I have dealt with that industry already, but I imagine that the shareholders of two of those refineries would be very glad indeed if they had never had anything to do with them. The Rope and Cordage Manufactory is doing very well, and the Steel Works of the Star Manufacturing Co'y are also doing a good business ; as they were before the National Policy. He speaks of the well equipped Tobacco Factories—one or two of them have been closed up ; of the Boot and Shoe Factories—I think there is only one solvent concern of the kind in the city. The others have been closed up by competition from the Upper Provinces.

Then Mr. Willis goes on to say :—

"With the return of ordinary commercial prosperity, all of the establishments enumerated and all others of greater or lesser note, will, doubtless, prove fairly remunerative to their several investors."

There is all that this commissioner can say, that with the return of ordinary commercial prosperity these establishments may prove fairly remunerative. I did not intend saying as much as I have done when I began ; but I thought it was to a certain extent necessary to call attention to the other side of this report; because if the report with the comments that are made upon it by Ministerial speakers and writers were allowed to go to the country without any other notice, people in the Upper Provinces might think we are not so badly off in the provinces below; and people in the Maritime Provinces might imagine that some confidence could be placed in what is reported about the Upper Provinces. The hon. gentleman from Alberton said that he felt proud and pleased to have been present at the inauguration of this grand policy. I think that the report from which I have just read goes to show that there is nothing in the present working of the policy in the

Maritime Provinces to make any hon. gentleman to feel pleased and proud to have been present or to have had a part at its inauguration. My hon. friend has used an expression which aptly describes the policy of the Government in sending out these commissioners and getting this report to prove that the country was prosperous, when he spoke of galvanizing trade into life. It was an attempt to get up an artificial appearance of life in our industries, when in reality life was not there.

HON. MR. KAULBACH—The House must be weary of this long debate, and I feel myself that I can add but little to influence, not the minds of members, because they are already convinced, but the minds of the country upon our fiscal policy. That there is a depression, is a fact that cannot be denied—there is depression the whole world over, in every country, and it would be strange, even with our National Policy which has done so much good to the country, that we should not feel the effects of the depression in Canada. It would be strange indeed if we could boast that the want of purchasing power in other countries to buy our products did not affect us, and that we should not suffer as well as other countries do, to a considerable extent. But we must look at the facts that show the great development the country has made under the National Policy. Can my hon. friend shut his eyes to the facts everywhere apparent, that the country is more progressive, that we are more independent, that our industries are more numerous and more prosperous, that there is greater demand for the labor of working classes, and that the working man is better fed, better clothed, and better housed than he was in 1878? These facts are patent to every one whose eyes are open to what is passing in the country; therefore I say that it is folly for the Opposition to fight against the policy adopted by the Government, and as long as they oppose the present Administration upon that line, they must remain in the cold shades of opposition. The policy of the country is fixed, and the Government have nailed their colors to the mast. The National Policy is not only their policy, but it must be the policy of any Government, and the Opposition can never attain power by opposing it. We know that the Government cannot interfere with the ways of Providence; that they cannot make the rain to fall and the sun to shine; there must be clouds, and there must be depression at times. These things will occur, but like a careful mariner, who, when he sees the clouds coming prepares for the storm, the Government must be prepared to meet exegencies that may arise in the administration of the affairs of the country. The late Government did not do anything of the kind; when depression came they declared that they could do nothing; that they had no confidence in themselves or in the country, or in the productive power of the people, and they allowed the country to become a mere slaughter market for the surplus manufactures of the Americans. Every little industry in the country was almost driven out of existance. I have heard my hon. friend, the leader of the Opposition, say that the people benefited by that slaughtering process—that they got cheap goods by it. Why then should the people complain now if under the National Policy those who put their money into manufacturing industries, and suffer by overproduction and a glutted market lose money if the masses get their goods as cheap by it as when Canada was a slaughter market for the American manufacturers? The National Policy was not sprung upon the people; it was the issue at the polls in 1878; it was the issue which the people had been educated to. They were not deceived as to the question before the country, and the moment the Government came into power they fully and fairly carried out their pledges to the people. We were told before the last election, in 1882, that the Government dare not appeal to the people again on this policy; that the policy which was sprung upon the country under peculiar circumstances in 1878 would not be endorsed on a second appeal to the people, and that they would reverse the judgment they had given in 1878. Feeling confident that the people would sustain their policy, the Government went to the country, and were returned by a larger majority than on the previous occasion, and that policy continues to be the policy of the Dominion. My hon. friend from Halifax depicts nothing but

ruin in Nova Scotia. We have had four by elections since the general election of 1882, in that province, and in these elections two candidates were returned by acclamation and two by immense majority to sustain the policy of the present Government. Does my hon. friend tell me that if the policy was so detrimental to the interests of the country that the Government would be sustained by such majorities when they appeal to the people? I say there is a fair amount of prosperity in the country, and that every man who wishes to work and can work finds plenty to do, and that the farming portion of the community are growing rich. There is depression in the West India trade, no doubt, in consequence of the poverty of that country, and the inability of the people to buy our fish; but this is only a momentary depression. We in the Maritime Provinces are wealthy; we have got plenty of fish, but there is nobody to buy it. Sugars are down, not through any fault of the policy of the Dominion; the refiners cannot sell their products, but I say that in spite of all that the Province of Nova Scotia is generally prosperous. It may not be quite so much so in Halifax as in other parts of the province, although my hon. friend will recollect that it is only a very short time ago that a member of the late Government declared that the laboring men were better off than they had been for years before; that they received better wages and could live cheaper than they could during the term of administration of the late Government. Therefore I say that the condition of Halifax is not so bad as my hon. friend would lead the House to believe. He knows that Halifax is not Nova Scotia. Although there may be a little depression about Halifax, it does not prevail throughout the province. The prosperity and enterprise of other parts of Nova Scotia have probably worked rather detrimentally to the interests of Halifax. Instead of Halifax being the centre of the import trade of Nova Scotia, and the distributing port of the province, Truro, Pictou, Yarmouth, and a dozen other towns that until recent years depended on Halifax for their supplies, instead of going there now to get their goods at second hand, import independently for themselves, and for that reason Halifax may not be doing as prosperous a trade as when it had all Nova Scotia for its customers. I say that to a large extent the depression in Halifax has been in consequence of a want of enterprise on the part of the people in not turning their attention to other industries, and not being as energetic in business as other parts of the Province. The people of Nova Scotia get their goods from Montreal. If the merchants of Halifax cannot sell goods to the dealers throughout the province as well as the Montreal merchants can, they deserve to lose that trade. If goods can be imported from Europe and other countries and taken up the St. Lawrence to Montreal, and from there sent down east again to Nova Scotia and sold cheaper than the importing merchants of Halifax can afford to sell them, it is not the fault of the fiscal policy; it is the fault of the merchants of Halifax, who are deficient in enterprise. As I said before, there is not even in Halifax, I believe, a man in possession of his health and able to work who cannot find employment. The poor are always with us and we should endeavor to do them good, but I say that no laboring man, unless disabled by sickness or accident, need be without employment which will enable him to provide for his family, even in the City of Halifax. The hon. member from Halifax (Mr. Power) says that he will not argue the question with those people who are satisfied with the material condition of things; well we are not satisfied with the condition of things. It was the policy of the late Government to be satisfied; the despondency, the depression in trade, men clamoring everywhere for work and unable to find it, every industry paralysed—the late Government, of which my hon. friend was a supporter, were satisfied with that condition of things. But we are not satisfied that a depression should exist, and the people, through the National Policy, will be enabled to devise ways to improve their condition. Even in England, they say, the cloud is lifting, and I know it is lifting on this side of the Atlantic. People living under a free trade policy believe that the cloud will disperse on this side of the Atlantic before it will disappear in Europe. My hon. friend from Halifax says that the year 1879 was bad, but people were fools enough to expect that immediately on the

introduction of the National Policy, prosperity would prevail everywhere.

HON. MR. POWER—I did not say that. I said that the hon. gentleman from British Columbia stated there was an immediate rebound on the adoption of the National Policy.

HON. MR. KAULBACH—The hon. gentleman said that those who advocated the National Policy claimed that it would have that effect—that with a bound the people of this country were to spring from a state of almost penury and want to that of affluence. My hon. friend from British Columbia (Mr. Macdonald) never could have expected a thing like that. I say the country had lost all confidence and courage through the supineness and indifference of the late Government, but the moment the National Policy was adopted the people were inspired with fresh energy and hope, and looked around to see which way they could better themselves and improve their industries, and prevent themselves being made any longer mere hewers of wood and drawers of water to the United States. Whenever they had attempted to start a factory, American manufacturers combined to crush it out, making Canada a slaughter market, and then, having destroyed competition, ran up the prices of mauufactured goods. My hon. friend cannot say that the change in the policy of this country has not been due to the National Policy.

HON. SIR ALEX. CAMPBELL—It is now nearly six o'clock and as there are some Bills from the Commons to be introduced, I would suggest to my hon. friend that he should move the adjournment of the debate.

HON. MR. KAULBACH—I move that the debate be adjourned until Monday next.

The motion was agreed to.

BILLS INTRODUCED.

Bill (39) "An Act to incorporate the Synod of the Diocese of Qu'Appelle, and for other purposes connected therewith."—(Mr. Plumb.

Bill (52) "An Act respecting the Sault St. Marie Bridge Company."—(Mr Power.)

Bill (38) "An Act to amend the Acts relating to the Great Western & Lake Ontario Shore Junction Railway Co'y."—(Mr. McMaster.)

Bill (54) "An Act respecting the Canada Congregational Missionary Society."—(Mr. Vidal.)

Bill (23) "An Act to amend the Act to incorporate the Wood Mountain and Qu'Appelle Railway Co'y."—(Mr. Plumb.)

Bill (24) "An Act to incorporate the Lake Erie, Essex and Detroit River Railway Co'y."—(Mr. Plumb.)

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Monday, March 16th, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

THE CONSOLIDATION OF THE LAWS.

MOTION.

HON. SIR ALEX. CAMPBELL moved :—

That a message be sent to the House of Commons requesting that House to unite with the Senate in the formation of a Joint Committee of both Houses to examine and report upon the Report of the Commissioners appointed to consolidate and revise the Statutes of Canada, and to inform that House that the Honorable Messieurs Carvell, Dickey, Girard, Gowan, Lacoste, Macdonald, (B.C.), Odell, Pelletier, Power, Scott, Trudel and the mover will act on behalf of this House as members of the said Joint Committee, should the House of Commons agree to the creation of such Joint Committee.

He said—In making the motion of which notice was given for the reference to a committee of the report of the commission appointed to consolidate the statutes of Canada since Confederation, I think it desirable to endeavor to present to the House some statement of the previous position of matters in regard to consolidation in each of the different provinces of the

Dominion, and also some account of the labors of this commission, and if in doing this I detain the House somewhat longer than I would like to do, I hope hon. members will excuse me because of the importance, as it seems to me, of preserving some record of what has been accomplished by the commission, and also of placing a statement before the House concerning the labors of previous commissions upon the same subject. The thought of adding a part of this history, that is, giving an account of what had been done by previous commissions, was suggested to me by finding, as I did, the difficulty of ascertaining by the debates in the local legislatures of the time, anything concerning the history of the work of those gentlemen who, in the different provinces from time to time in years gone by, were constituted commissioners upon subjects such as that which we have labored to accomplish, and the results of which are now upon the table of the House. I am happy to know that in the House I shall have the advantage of the assistance of two gentlemen who have taken a part in similar work—my hon. friend from Barrie (Mr. Gowan) who took a most distinguished part, extending over many years, in the revision and consolidation of the statutes of Ontario, and the hon. gentleman the senior member from Halifax (Mr. Power), who took part in one of the commissions for the revision of thestatutes of Nova Scotia. I think, perhaps, the most convenient way for me to state the history of the efforts to consolidate the laws in the different provinces will be to commence at Nova Scotia, as I did with reference to another matter on a previous occasion, and then to follow up the statement as to that province by coming gradually west to the other provinces and noticing or endeavoring to notice, what has been done in each province in that respect. With reference to Nova Scotia, I find that there had been four commissions at different times engaged in the work of consolidating the statutes. The first was in 1851. when the work was done by William Young—the present Sir Wm. Young—J. W. Ritchie. formerly a Judge in Equity, Jonathan McCully, whom many of us remember as our colleague in this house, and J. Whidden; the second was in 1858, when it was done by Martin J. Wilkins, William A. Henry (the present Justice Henry) and James R. Smith. Mr. Wilkins I believe is still alive.

HON MR. POWER—No, he died some three years ago.

HON. SIR ALEX. CAMPBELL—The third commission in Nova Scotia was in 1873, when the work was done by Alonzo J. White, Henry C. D. Twining, James W. Johnston, and Lawrence G. Power, our colleague in the House, whom I am very glad to meet here, and I am glad to believe that we shall have his assistance in the revision of the work now before us. In 1884 the work was done by J. W. Johnston, Otto S. Weeks, and J. W. Longley, with B. Russell as secretary.

That is the state of the matter in Nova Scotia, and these are the successive commissions which have been appointed there for the purpose of consolidating the statutes.

In New Brunswick part of the public laws of that province were revised in 1854 by W. B. Kinnear, J. W. Chandler, and Charles Fisher, all of whom are deceased; and the remaining acts were published in a second volume called the Public Statutes of New Brunswick, and a third volume of local and private statutes of New Brunswick up to that date was published in 1855. The work of consolidating and revising the laws of New Brunswick was completed in 1877, the work being done by C. N. Skinner, Frederick E. Barker, E. L. Wetmore and George W. Burbidge, who was secretary to the commission, now Deputy Minister of Justice, and who has taken an active and very useful and important part in the commission whose work we are now considering. Frederick A. Morrison was one of the commissioners as at first constituted; but he died during the progress of the work.

Then coming to Prince Edward Island; there seems to have never been a consolidation of the laws there.

HON. MR. HOWLAN—Oh yes.

HON. SIR ALEX. CAMPBELL—My hon. friend from Prince Edward Island says yes, but I think I shall satisfy my hon. friend in a moment that it is not so—that the Acts of Prince Edward Island

had never been revised and consolidated, but all the Acts up to 1878 have been republished and printed in four volumes.

HON. MR. HOWLAN—No, they have been consolidated under three commissioners.

HON. SIR ALEX. CAMPBELL—I shall pass over Prince Edward Island for the present, as I thought otherwise.

HON. MR. HOWLAN—They were consolidated under three commissioners.

HON. SIR ALEX. CAMPBELL—I will read what is said about that :—

> The first volume of the Local and Private Acts from 1773 to 1862, and the second volume of the Local and Private Acts containing those from 1863 to 1868. The three volumes first mentioned were published under the authority of the Acts of that Province, 23rd Victoria, chapter 10, and 24th Victoria, chapter 3rd, by Edward Palmer, John Longworth, and W. H. Pope, Commissioners, and the second volume of the Local and Private Statutes were published by Edward Palmer and Joseph Hensley, Commissioners.

There was no consolidation in the sense that we mean. They simply took the laws that they found on the statute book and eliminated those that were no longer in force and published the remainder. There was no revision, no placing of the statutes that had been passed on one subject together and forming a chapter of it, and going on from that and forming another chapter on another subject.

HON. MR. HOWLAN—No, there was not.

HON. SIR ALEX. CAMPBELL—That completes the history of the work which was done in the three lower provinces. Then coming to Quebec, I find that the union of these provinces in 1842 rendered the labors in this consolidation of the statutes in the two provinces identical. They took place at the same time, and, although entrusted to different individuals, were reported upon together, and constituted a joint labor; and after 1842 the history of the labors of these gentlemen who undertook to consolidate the statutes of Upper and Lower Canada, and of the then Province of Canada can be told at the same time. There was some work done anterior to the union with Upper Canada, which took place in 1841. A revision of the Acts and Ordinances in force in Lower Canada at the Union was begun in 1842 and completed in 1845 by a commission consisting of Messrs. A. Buchanan, H. Heney and G. W. Wicksteed. The commissioners made two reports, which, as well as a prefatory notice, were printed with the volume of Revised Statutes compiled by them.

Now that is what was done in the Province of Quebec anterior to the union with Upper Canada. In the Province of Upper Canada anterior to that union :—

> The first revision of the statutes in the new Province of Upper Canada was made in 1818. It consisted merely of a collection of the Acts of the Province of Upper Canada in force at that date, together with such Acts of the Imperial Parliament and Ordinances of the former Province of Quebec as effected Upper Canada.
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> In 1831, a collection of the statutes of Upper Canada, in force at that date, was published in Kingston by Messrs. Hugh C. Thomson and James Macfarlane, which, though a private enterprise, long supplied the place of a revision by authority.

I dare say the hon. member from Belleville can remember when the laws were collected in a large octavo volume published in Kingston. For many years it was the *vade mecum* for judges and lawyers, doing away with the necessity of having a large number of volumes of acts which had been passed anterior to that date. That was the state of thing with reference to the two provinces which now constitute Ontario and Quebec anterior to their union. There had been published, as I have said, in Lower Canada a revision of the Acts and Ordinances of Lower Canada, by Messrs. Buchanan, Heney and Wicksteed, and in Ontario a revision of the statutes, apparently without authority, and in 1881, again without authority, as a private enterprise, by Mr. Hugh C. Thomson and James Macfarlance. In 1840 the union took place between Upper and Lower Canada, and from that time up to 1867 the labors for the revision of the statutes, as regards those two provinces, were joint. In the preface to the work which was accomplished in those provinces, there is a note as to the state of the Statute law in the Province of Upper

Canada, of very great interest, which I am sure hon. gentlemen will allow me to read to the House :

The history of the Statute Law applicable to the territory now comprised in the Province of Ontario, dates from 1791.

After the treaty of Paris, 1763, by which he French possessions in North America were ceded to Great Britain, a Royal Proclamation was issued on the 7th October, 1763, introducing the law of England, both civil and criminal, into the whole of the ceded territory, and forming a portion of it, lying towards the east, into the Province of Quebec. The Governor of the new colony received power and direction "so soon as the state and circumstances of the colony would admit thereof, to summon and call a General Assembly," but until this was done, the Governor and Council were invested with "authority to make such rules and regulations as should appear to be necessary for the peace, order and good government of the province." In 1774, the Quebec Act, 14 Geo. III. c. 83, was passed, by which French law was reintroduced in civil matters, and the limits of the Province of Quebec were enlarged, so as to include the whole of the territory afterwards formed into Upper Canada. The Quebec Act produced disatisfaction, especially among the British colonists, and in 1791, the Imperial Act, 31 Geo. III. c. 31, was passed, by which the Province of Quebec as it then existed, was divided into the two Provinces of Upper and Lower Canada; the powers of legislation by the Governor in Council were taken away, and a legislature granted to each province, consisting of the governor, a legislative council and a legislative assembly. The first Parliament of Upper Canada met at Newark, now Niagara, on the 18th September, 1792.

3. In 1840 was passed the Imperial Act 3 & 4 V. c. 35, to re-unite the Provinces of Upper and Lower Canada; and the Union took effect by proclamation on the 10th February, 1841. A revision was soon after begun of the Statutes of Upper Canada in force at the date of the Union. A commission for the purpose, dated 25th July, 1840, was issued to the Hon. John Beverly Robinson, the Hon. James B. Macaulay, the Hon. William Henry Draper, and John Hillyard Cameron, Esq., and directed the commissioners "diligently "and carefully to examine and revise the "several statutes from time to time passed "and enacted by the Parliament of Upper "Canada, and then in force and effect; "and to make such report upon the prem-"ises as in their opinion should be most "for the interest, welfare and good govern-"ment of the province."

The result of the labors of the commission was embodied in two volumes, the first containing Public Acts, and the second, Local and Private Acts. The report to the Governor-General, in which the commissioners announced the completion of the work, is dated 8th March, 1843, and was printed as a preface to the first volume.

In this, as in former revisions, no consolidation, strictly speaking, of the statutes was attempted. The various Acts in force were printed as they had been passed, omitting only such portions as had expired or had been repealed, with notes stating the reasons for omissions, and giving the provisions, if any, which the Legislature had substituted for repealed clauses; errors in the text were left uncorrected except by way of a note directing attention to them; and the revision did not receive authority by legislative adoption, but was nevertheless, by general use, practically substituted for the preceding volumes of statutes.

4. A revision of the Acts and Ordinances in force in Lower Canada at the date of the union of Upper and Lower Canada was begun in 1842, and completed in 1845, by a commission composed of Messrs. A. Buchanan, H. Heney and G. W. Wicksteed. The commissioners made two reports, which, as well as a prefatory notice, were printed with the volume of Revised Statutes compiled by them.

5. In 1856 was begun the first consolidation, properly so called, of the Statute Law.

Two commissions were then isued, one on the 7th February, 1856, appointing Messrs. John Hillyard Cameron, Joseph C. Morrison, Adam Wilson, Skeffington Connor, Oliver Mowat, and David B. Read to examine, revise, consolidate and classify the Public General Statutes affecting Upper Canada only; and a second, dated 28th March, 1856, appointing Messrs. A. Polette, Gustavus W. Wicksteed, Andrew Stuart, T. J. J. Loranger, Robert Mackay, and George de Boucherville, to examine, revise, consolidate and classify the Public General Statutes applying exclusively to Lower Canada; and each commission directed the commissioners therein named jointly with the members of the other commission to examine, revise, consolidate and classify the Public General Statutes which applied equally to both sections of the province.

Subsequently the Messrs. Cameron and Morrison resigned, and in their stead respectively the Hon. J. B. Macaulay and S. H. Strong, Esq., were appointed. Afterwards Dr. Connor and Mr. Mowat also resigned, preparatory to their becoming candidates for election as members of the Legislative Assembly. The commissioners were in a later stage of the work, and especially during its final revision, assisted by His Honor Judge Gowan, County Court Judge of the County of Simcoe.

The first report of the commission was made on the 19th April, 1858, and drafts of the Consolidated Statutes for Upper Canada and the Consolidated Statutes of Canada were in 1859 submitted to the Governor-General, accompanied respectively by a report, dated January, 1859, by Sir J. B. Macaulay, the chairman of the Upper Canada Commission, and a joint report dated 3rd March, 1859, by Sir J. B. Macaulay and Mr. Wicksteed, the acting commissioner of the Commission for Lower Canada. (*See Sess. Papers, 1859, No. 9.*)

At the session of 1859 these two volumes were laid before the Legislative Assembly, and Acts were passed to provide for their coming into force by proclamation.

Pursuant to the provisions of the last mentioned Acts, the enactments of the then session were incorporated with the consolidation; and the two volumes were by proclamation declared to come into force upon the 5th December, 1859.

On the 1st July, 1867, by proclamation issued under the Imperial Act, 30 & 31 V. c. 3, the Province of Canada was, with the Provinces of Nova Scotia and New Brunswick, formed into the present Dominion of Canada. By that Act known as 'The British North America Act, 1867,' the two divisions of the Province of Canada were once more constituted separate provinces, Upper Canada being called the Province of Ontario, and Lower Canada he Province of Quebec, and the power of legislation was divided between the Parliament of the Dominion and the legislatures of the provinces in manner defined by the Act.

6. "The Revised Statutes of Ontario" were prepared by a commission appointed 24th July, 1874, composed in the first instance of the late Hon. William Henry Draper, Chief Justice of Appeal, the Hon. Samuel Henry Strong, Hon. George William Burton, and Hon. Christopher Salmon Patterson, Justices of Appeal, the Hon. Attorney-General Mowat, and Messrs. Thomas Langton, Charles R. W. Biggar and Rupert Etherege Kingsford, Barrister-at-Law. The Hon. Thomas Moss upon his appointment as Justice of Appeal, the Hon. Samuel Hume Blake, Vice-Chancellor, and His Honor Judge Gowan, County Court Judge of the County of Simcoe, were subsequently added to the commission.

The work of the commission was three-fold:

First. To examine, revise, consolidate and classify such of the Public General Statutes, passed by the Parliament of the Province of Canada and applying to Ontario as were within the legislative authority of the Legislature of Ontario.

Secondly. To examine and arrange in the manner most convenient for reference such of the Public General Statutes passed by the Parliament of the Province of Canada and applying to Ontario as were not within the legislative authority of the Legislature of Ontario; and also the Statutes passed by the Parliament of the Dominion of Canada and affecting Ontario;

Thirdly. To examine and arrange in the manner most convenient for reference the Statutes of the Imperial Parliament, printed with the Consolidated Statutes of Canada in 1859, as well as all Statutes since passed by the Imperial Parliament.

This commission made three reports dated respectively 12th December, 1874, 11th December, 1875, and 30th December, 1876. The first report was accompanied by tables showing the consolidation in outline. The second report announced the completion of the collection of Imperial Acts, and contained suggestions for legislation to remove discrepancies discovered in the course of the work, and otherwise to facilitate consolidation. Specimens of the work done were also submitted with this report. With the third report was submitted a draft of the Revised Statutes, which was laid before the Legislature at its session in 1877.

A volume of 633 pages, being a portion of the collection of enactments of the Dominion of Canada, and of the Province

of Canada which were not within the legislative authority of the Legislature of Ontario, was presented with the second report; but the completion of this portion of the work of the commission was afterwards abandoned, in view of the preliminary steps which had been taken by the Dominion Government for a consolidation of statutes that would include the Acts of which the Ontario collection would have been composed.

The enactments of the session of 1877, were, pursuant to the Ontario Act 40 V. c. 6, incorporated in the Draft Consolidation above mentioned, by a commission appointed by the Lieutenant-Governor, composed of the following members: Hon. Chief Justice Draper, Hon. Mr. Justice Strong, Hon. Mr. Justice Burton, Hon. Mr. Justice Patterson, Hon. Mr. Justice Moss, Hon. Vice-Chancellor Blake, His Honor Judge Gowan, Hon. Attorney-General Mowat, and Thomas Langton, Esq., Barrister-at-Law.

The completion of their work was reported by the commissioners on the 20th November, 1877, to the Lieutenant-Governor, and the revision being approved of by him, a proclamation was, on the 7th December, 1877, issued, declaring the Revised Statutes to be in force on, from and after the 31st December, 1877.

Now, that brings the history of the consolidation in the old Province of Canada, now Ontario and Quebec, down to the time of the union. I therefore leave it there and take the next province going westward. In the Province of Manitoba the statutes were consolidated in 1880, and the Act authorizing the preparation of the work is the 41 Vic. cap. 43. It provided that any judge of the Court of Queen's Bench for the Province of Manitoba with his consent might be appointed a commissioner. I believe that the work was done by the late Chief Justice Wood, but I am not absolutely sure on this point.

HON. MR. GIRARD—It was so.

HON. SIR ALEX. CAMPBELL—In British Columbia the laws were revised in 1871, the commissioners being Henry Pering Pellew Creose, George Phillopo and Edward Graham Alston. There was a further consolidation in 1877, when the commissioners were Henry Pering Pellew Creose, Andrew Charles Elliott and John Foster McCreight. There is a note here that this consolidation has never been considered authentic and having the force of law in British Columbia—not yet at all events. I have gone over slightly the efforts made in the different provinces of the Dominion to consolidate their laws anterior to Confederation as regard them all and anterior to their coming into the Union as regards British Columbia and Prince Edward Island. Now, the first effort that was made after the union of all the provinces to consolidate the various statute laws affecting the Dominion was on the the 15th November, 1881. A commission was issued to the late Mr. Cockburn, formerly Speaker of the House of Commons, a gentleman well known and highly esteemed by all who knew him, and well known to every member of this House. He was appointed a commissioner to perform the preliminary work necessary for the revision and consolidation of the laws of Canada, and Mr. Ferguson, a barrister of this town, who was a member of the last commission, was his secretary. Between them they did a great deal of work which was afterwards used by the Commission who consolidated the statutes and by whom it was found to be of the greatest possible value. I was Minister of Justice at the time and I had from Mr. Cockburn a report showing the labor which had been done by himself and Mr. Ferguson during the time that they were employed in getting together the materials for the work which was afterwards to be done by the Commission. I will venture to trouble the House with reading a passage or two from this report. It is dated the 30th September, 1882, and is addressed to myself as Minister of Justice:

Sir,—The commissioner appointed by a commission issued under the Great Seal of Canada on the fifteenth day of November, in the year of Our Lord one thousand eight hundred and eighty-one, to collect, examine and classify in the manner set forth in said Commission, the statutes passed by the Parliament of the Dominion of Canada, since the first day of July, one thousand eight hundred and sixty-seven, and unrepealed, and the statutes in force in the several provinces of Canada at the time of their respectively becoming members of Confederation, relating to subjects which under the British North

America Act of 1867, are within the exclusive jurisdiction of the Parliament of Canada, has the honor to report as follows :—

The Commission recites in substance "that whereas it has become necessary to revise and consolidate the statutes of Canada, and whereas each of the provinces of Canada before Confederation possessed legislative authority over and passed laws in respect to matters now within the exclusive legislative control of the Parliament of Canada;"

"And whereas the British North America Act continue these laws in force until repealed and altered by the Parliament of Canada, some of which have been so repealed or altered, some remain still laws of the province in which they were enacted, some are local in their nature, not capable of being extended to the whole of the Dominion of Canada, while others might properly be extended to the whole, or other parts of Canada, and it is probable that some of them should be entirely repealed;"

"And whereas certain schedules of Acts requiring examination have already been prepared, and whereas for the proper revision and consolidation of the laws of the Dominion of Canada, it is necessary that further examination, collection and classification of the several statutes of Canada should be made;"

The Commission then proceeds to define substantially in the language following, what is required to be done by the commissioner, that is to say :—

1. "He is to complete the Schedules already prepared as above mentioned."

2. "To examine the statutes passed by the Parliament of Canada since the first day of July, in the year of Our Lord one thousand eight hundred and sixty-seven."

3. "To collect therefrom all those enactments which are still in force."

4. "To note the enactments of the old Provincial statutes which have been repealed or altered."

5. "To classify all unrepealed enactments according to subjects, care being taken to distinguish those applying to the whole Dominion from those applying to one or more of the provinces only."

6. "And generally to make such examinations, classifications and collections of the said statutes as may be necessary and preliminary to the proper revision and consolidation thereof, and in accordance with such instructions as may be given from time to time in that behalf by the Honorable the Minister of Justice of Canada."

The schedules referred to as having been prepared before the issue of the Commission, and which were received by the commissioner from your Department, were nine in number, eight of them containing lists of the Public General Statutes of each of the provinces passed before the dates of their respectively entering Confederation, except as regards the provinces where consolidation of the Provincial statutes had taken place, in which case the consolidated enactments and the statutes passed subsequent to such consolidation only are set forth in said schedules, and the ninth schedule containing a list of all the Public General Statutes of the Dominion of Canada, from the first day of July, one thousand eight hundred and sixty-seven, down to the inclusive of the Parliamentary Session of one thousand eight hundred and seventy-seven.

The lists of the statutes of the several provinces are contained in the first eight schedules as follows :—

1. The Consolidated Statutes of Canada.
2. The Consolidated Statutes of Upper Canada.
3. The Consolidated Statutes of Lower Canada.
4. The Statutes of the Province of Canada.
5. The Revised Statutes of Nova Scotia (3rd edition), and subsequent statutes of that province down to the first July, one thousand eight hundred and sixty-seven.
6. The Revised Statutes of New Brunswick of the year 1854, and subsequent statutes of that Province down to the first day of July, 1867.
7. The Revised Statutes of British Columbia of 1871, when that province entered Confederation
8. The statutes of the Province of Prince Edward Island, down to the year 1873, when that province entered Confederation.

In each province of the Dominion except one, there had been at least one general consolidation of the Provincial statutes prior to such province becoming a portion of the Dominion, but in the Province of Prince Edward Island there never appears to have been any such consolidation, although the statutes of that province have at different times prior to the entry thereof into Confederation, been revised, classified and reprinted.

The first eight schedules already mentioned in addition to containing lists of the consolidated and subsequent Provincial statutes passed prior to the Confederation of the provinces respectively purported to show which of these statutes were of a purely provincial character, and which of them related wholly or partially to subjects now within the jurisdiction of the Parliament of Canada, and also which of them had been repealed, superseded or amended either by subsequent enactments of the same provinces passed prior to Confederation or by legislation of the Parliament of Canada in any Session thereof between th 1st day of July, 1867, and the 1st day of July, 1877.

So that the House will see that up to that time a list had been prepared of the general statutes passed by the province before Confederation on subjects which after the Confederation fell within the general power of the Parliament of Canada. These together with the Consolidated Statutes of Canada, the Consolidated Stat-

utes of Upper Canada, the Consolidated Statutes of Lower Canada, the Revised Statutes of Nova Scotia; New Brunswick and British Columbia, and the Statutes of Prince Edward Island down to 1873 were all transferred to Mr. Cockburn, as a commissioner, for the purpose of his work.

Then he recites his work :—

In order to carry out the requirements of the Commission the first work devolving upon the commissioner was the completion of the schedule already mentioned as the ninth, containing a list of all the Public General Statutes of Canada down to and inclusive of the last Session of Parliament, which he accordingly completed.

The commissioner, as the second branch of the work required under said Commission to be done, then examined the statutes set forth in the last-mentioned schedule so completed and prepared as the result of such examination, a new schedule indicating in the proper columns thereof (in addition to its being a list of all the statutes passed in each year between 1867 and 1882 inclusive).

1. Those of which were of a public general charactor.

2. Those which had been repealed and the statutes by which they had been repealed.

3. Those which had become effete.

4. Those which had been passed for only a temporary purpose.

5. Those which had been amended and by what statutes the amendments were made.

6. And, lastly, the provinces of the Dominion to which the said statutes were respectively applicable.

The third requirement of the Commission was complied with as incidental to the preparation of the schedule last mentioned, indicating as it does which of the statutes so examined remain in force.

The schedule last mentioned containing what has just been described and complying with the second and third requirements of the Commission, involved necessarily the examination of over seven hundred Acts of Parliament, or, in other words, of all the legislation of a public general character passed by the several Parliaments of the Dominion of Canada which have existed at any time between the 1st day of July, 1867, and the dissolution of the last Parliament.

The fourth branch of the work to be done under the Commission was carried out by the commissioner concurrently with the examination of Dominion Statutes directed to be made as the second requirement, consisting as said fourth branch did of annotations made in the proper columns of each of the eight schedules first mentioned, indicating which (if any) of said Provincial Statutes therein-mentioned had been repealed, superseded or amended by Dominion legislation, and by which of such statutes they were so repealed, superseded or amended.

The first, second, and fourth branches of the work having been so dealt with they formed the basis or material for "the collection and classification of all unrepealed enactments" required as the third and fifth branches of the commissioner's work, and these latter requirements, as well as the one last mentioned in the Commission, were partially complied with by the commissioner in the following manner: —

1. By the preparation of an analytical digest or "classification of all unrepealed Acts of a public general character, passed by the Parliament of Canada, and of Acts of the Provinces of Canada, Nova Scotia, New Brunswick, British Columbia, and Prince Edward Island, passed by the legislatures of these provinces prior to their respectively joining the Confederation, and relating to matters subject under the British North America Act to the legislative authority of the Dominion of Canada," arranged so far as the order of subjects therein is concerned as nearly as practicable in accordance with the plan of arrangement or classification adopted in the Consolidated Statutes of Canada.

This collection, classification, or digest, contains eleven chief titles and two hundred and fifty-seven subjects or titles of chapters, indicating all the subjects of legislation which, in the commissioner's opinion, should be consolidated in order to form the Consolidated Statutes of the Dominion of Canada, and each and every statute or portion of a statute affecting these subjects necessary to be considered and taken into account in carrying out the said consolidation.

In respect of some subjects of Dominion legislation, the Provincial statutes passed before Confederation have not been repealed, no laws having been passed by the Parliament of Canada in respect of such subjects, and as a result according to the British North America Act of 1867 the Provincial laws remain in force.

In respect of other subjects, although Acts have been passed by the Parliament of Canada, the old Provincial laws have not been expressly repealed, the enactments either superseding in effect that Provincial laws, or enacting that said Provincial laws are thereby repealed only so far as inconsistent with the new enactments.

In some of the Provincial statutes passed before Confederation, the main subjects of which are still within Provincial legislative jurisdiction, clauses were enacted constituting felonies or misdemeanors, or otherwise affecting the criminal law, or affecting some other subject, which is now exclusively one of Dominion legislation, and although the statutes themselves may have since Confederation been repealed by other Provincial enactments, as in some cases is the fact, so far as could thereby be done, these particular sections or clauses still remain law in these Provinces, and should be dealt with in carrying out the general consolidation.

In preparing, therefore, the said classification or digest, and in order to call attention to all the enactments required to be considered in carrying out the Consolidation, the plan adopted by the commissioner was to indicate in the digest opposite to each subject therein and on the same page thereof,—

First, in black ink, all the statutes or portions thereof which clearly had to be consolidated under that particular subject, and when they applied to only one or more provinces that also was indicated in the same colored ink.

Second, in red ink, all those statutes or portion of statutes relating to the subject, but as to which it was uncertain whether they had been impliedly repealed or superseded, and which the Commissioner considered should be carefully examined in the course of the actual consolidation, mentioning also the provinces to which the same were applicable.

Second, after making the collection and classification in the form of an analytical digest of the unrepealed statutes of the Dominion of Canada and the provinces before their respectively entering Confederation, on subjects now under the legislative control of the Parliament of Canada, under their respective subjects, as already at length described, the Commissioner having been provided by your Department with the requisite number of the printed volumes of the statutes, and also with suitable blank books for that purpose, took from the printed volumes all the statutes and portions of statutes in each particular object and indicated opposite to each subject in the classification or digest, and placed them in the blank books, so as to exhibit in these books not only the subjects of legislation to be consolidated and the Chronological order and description of the statutes relating thereto, but also the actual statutes as amended from time to time, omitting, where any repeal had taken place, any clauses so repealed, and inserting the new clauses substituted therefor or when the original clauses were amended only by subsequent legislation, then leaving the original clauses in the body of the statute so transferred to the blank book and placing in the opposite or subsequent pages thereof the amending clauses or enactments with a reference in the margin of each page of the book identifying the amendments with the original Act, in the margin; also, of the page at the beginning of each statute so embodied in said books, the names of the provinces to which these statutes apply are annotated, as well as the amendments thereto, and the extension thereof, by any statute to other provinces.

The statutes, or portions of statutes, indicated in red ink, in the classification or digest which require to be considered in the course of the consolidation, are also either taken bodily from the printed volumes containing the same and placed on the pages of these blank books opposite to those showing the statutes to be consolidated, or else only the caption, chronological description and province to which these statutes requiring to be investigated relate, are so placed on the opposite pages already described, when as was the case in respect to some of the Provincial statutes it was impossible to procure any copies of the said printed volumes.

The books just described are thirteen in number, of about three hundred and fifty pages each, containing "in extenso" as already set forth, all the legislative enactments indicated in the digest or classification on the subjects mentioned therein which constitute the matter of consolidation and consideration in the course of such consolidation.

Each of said books is properly indexed by subjects and pages, so as to afford a ready means of reference to the statutes relating to each subject contained in the said books respectively.

The British North America Act of 1867, and the amendments thereto are placed on the first pages of the first of said books, as these Acts will doubtless be frequently referred to in the course of the consolidation, and will, no doubt, be published in the opening portion of the first volume of the Consolidated Statutes of the Dominion.

In consequence of the impossibility already referred to of procuring any copies of the printed volumes containing some of the Provincial statutes requiring to be referred to, with the exception of the volumes in the Parliamentary Library, the commissioner in accordance with authority received from your Department, procured written copies to be made of some of said Provincial Statutes, which are required for reference or otherwise in the course of said consolidation.

The commissioner has the honor, therefore, to submit the above as the result of his labors up to this date under the Commission, to him directed, as before mentioned, that is to say:

1. The nine schedules completed as directed by the Commission.

2. The new schedule already described of the statutes of the Dominion of Canada.

3. The classification or analytical digest also fully described.

4. And lastly, the thirteen books containing the material to be consolidated as the statutes of the Dominion of Canada, or which requires to be referred to in the course of such consolidation.

There remains still to be performed a very important portion of the work directed to be done under the Commission before the contemplated revision and consolidation takes place, that is to say, the preparation and arrangement of the actual Statute law so collected and placed in the said books into the form of new chapters as nearly as possible, as the same will appear in the complete volumes of the proposed Consolidated Statutes.

This last branch of the work, which will require great care and consideration, is just

being entered upon, but when it is completed, the actual revision and consolidation can then proceed without delay and with all the material therefor, in a complete state of preparation.

That indicates, in an insufficient manner, the great work done by Mr. Cockburn. I desire to dwell upon it, because Mr. Cockburn, I think, gave a great deal of time and industry and ability to the work, and because I think at the time the extent of his work, and the merit of it, and the results which he had accomplished, were not generally appreciated, and therefore I desire and have endeavored to dwell at some length upon the value of the work which Mr. Cockburn rendered to the country during the time that he was the sole commissioner. He was not appointed for the purpose of consolidating the statutes, but to perform the preliminary work necessary for the revision and consolidation of of the laws of Canada. His commission ran :—

"To complete the said schedules already prepared, and to examine the statutes passed by the Parliament of Canada since the first day of July, in the year of our Lord one thousand eight hundred and sixty-seven, and to collect therefrom all those enactments which are still in force, and to note the enactments of the old Provincial statutes which have been repealed or altered ; also to classify all unrepealed enactments according to subjects, care being taken to distinguish those applying to the whole Dominion from those applying to one or more of the provinces only, and generally to make such examinations, classifications and collections of the said statutes as may be necessary, preliminary to the proper revision and consolidation thereof, and in accordance with such instructions as may be given you from time to time in that behalf by our Minister of Justice of Canada."

The House will see by the statement I have made that he performed his work with great industry, and I am sure that anyone who examines the work will say with great ability. The results of his labors form thirteen volumes of matter which were afterwards the basis on which the commission, whose work is now on the table, framed their work. On the 16th of June, 1883, a Commission for the Revision and Consolidation of the laws of Canada was constituted, consisting of myself, the Hon. James Cockburn, Q.C. and Messrs. J. L. Ouimet, Wallace Graham, Q.C., Geo. W. Burbidge, Alex. Ferguson and William Wilson ; Sir Alex. Campbell being chairman, and William Wilson, secretary. I may observe that the part which I took in the Commission was not of an active character, and I am free to speak of the work which they did in the terms of praise which it deserves. My name was placed on the Commission simply that there might be some means of intercourse between the Commission and the Government, and that we might keep control, so far as necessary, of the Commission and not that I could myself give time to assist them in their labors. The Commission was constituted with the names I have mentioned. Not long afterwards we unfortunately lost Mr. Cockburn. The Hon. Mr. O'Connor, who has since been appointed a Justice of the Queen's Bench Division of the High Court of Justice of Ontario, was named to succeed Mr. Cockburn. Shortly before his appointment, and before he became a member, the Commission met in Ottawa and divided the work amongst them. I was present at that meeting, and we thought then that the better way would be to divide the work—each commissioner taking so many chapters. They were divided in such a way as to give as far as possible groups of subjects to the same person, so that those matters with which his mind had become familiarized might be more or less those which would constitute the whole of his labors, and with that view, at our first meeting, the work was divided, and each commissioner took certain subjects and all the statutes relating to those subjects. The commissioners then separated and the work of each commissioner, on the individual labor which he had assumed to discharge for himself, was afterwards submitted to the general commission and revised by them—gone over in detail by them—each chapter and each line of each person's work gone over by the Commission at large. This was repeated twice.

Therefore each chapter represents the individual labors of one commissioner in its preparation and the labor of all the members of the Commission in going over the whole of the work on two different occasions. It was thought necessary to do this to avoid, as far as we could, mistakes and omissions. Our first report was presented to Parliament in the Session of 1884. We

had then arrived at the 62nd chapter and the report that was presented to Parliament that year contained 62 chapters out of 178, of which the work now consists. Great pains were taken to distribute these 62 chapters throughout the Dominion. They were sent to all the judges of all the courts, to the professional men, to the recorders and to the stipendiary magistrates—in fact to everybody we could think of who was at all likely to take an interest in this subject. I had hoped that we should have been favored with some advice as to the then result of our endeavors, and that we might have had the opportunity, perhaps, of having the opinions of others, and of being assisted by them in the final revision of our work ; but men are so busy with their own affairs, and their own duties and labors, that we were disappointed, and we received no comments upon the subject whatever. The work was finally finished as it is now laid upon the table shortly before the beginning of the present session of Parliament. Some delay occurred in the printing, and I believe that the second volume is not yet complete in French though it is nearly ready. Two volumes are prepared in English, as hon. gentlemen have seen, and one of the volumes in French is ready. That is the state of the work which has been accomplished by the Commission. That it is absolutely correct, I cannot for a moment contend ; that it is approximately correct I earnestly trust and believe. I know that very great pains was taken by the commissioners, who were men eminently qualified for the work which they undertook, and they applied themselves with wonderful industry and continuous exertion and attention to the task which was placed before them. I may say to the House that in addition to the labor which each individual commissioner undertook in the revision of particular statutes which were set apart for him, and which was very great, and which occupied his time very much during the interval between the meetings of the Commission—there were 256 meetings of the Commission itself, each of which meetings lasted—for we counted the meetings—upwards of five hours for the purpose of going over the work of the individual commissioners. I hope the result may be if errors are found to exist that they will not be very numerous, and that no public inconvenience may result. I may say confidently that every effort has been made by the commissioners to avoid errors.

Then the House will be glad to know what the expense of the Commission has been as compared with the expense of former Commissions upon the same subject. It is very difficult to get at the expense of the former Commissions accurately apart from the cost of printing. Such information as I have been enabled to obtain I will give to the House. The House will of course understand that the cost of printing varies very much according to the size of the volumes. The cost of consolidating the Statutes of Canada and of Upper and of Lower Canada amounted to $40,714, chiefly, I apprehend, in salaries, because I see the total votes for the purpose amount to $128,400. That revision in which my hon. friend from Barrie (Mr. Gowan) took part ran over apparently by the sums voted the years from 1856 to 1865, and during those years the sum voted for the consolidation of the statutes, as I before stated, amounted to $128,400, while the apparent sum paid for salaries—I do not assert it positively, but the apparent sum paid for salaries was $40,714 leaving the difference between that and $128,400 for printing contingencies, or other purposes, but it may also be that the whole of the sum may not have been expended ; it may have been a surplus vote. The last vote seems to have been in 1864-65, for $6,000. I have no information as to the cost of this service in the Maritime Provinces. I am obliged therefore to confine myself to the cost of what has been done in Upper and Lower Canada. Now, as to the cost of the revision of the statutes in Ontario which has been accomplished (I did not mention that in my little historical account of the Statutes, because it has been done since Confederation) and which are contained in two large volumes, amounts to $74,788, as appears in the accounts of Ontario. The gentlemen who were upon that Commission were not paid. The commissioners were Justices Strong, Burton, Patterson, Moss, Gowan, Vice-Chancellor Blake and Attorney-General Mowat. And they gave their services without remuneration. The

gentlemen who were remunerated, and who did the work, were Messrs. T. Langton, C. R. W. Biggar and R. E. Kingsford. The cost of the work which is now under consideration will be about $70,000. The amount which has been already voted is about $58,000, but there is the printing of the statutes and the completion of the translation, which, it is estimated, will cost $12,000 more. The votes for this sum were taken in the years 1881-82-83-84. Included in this is a large sum, $11,000, for the type. The type upon which the statutes were printed was purchased by the Queen's Printer—I cannot explain to the House why that was thought best, but the type was purchased by the Government, and belongs to the Government. The expenses of Mr. Cockburn, whose name I have mentioned, amounted to $8,483, and of Mr. Ferguson, the secretary of Mr. Cockburn, $1,666, and of Mr. O'Connor, during the time he was appointed on the Commission, $3,973—making a total of $14,122. To this is to be added the expense of the present Commission, and which swells it up to, as I said before, $58,000, and the further sum which it will cost to publish those statutes, and the numbers which we desire to see published, $12,000, making the total expense of consolidating the laws of the Dominion some $70,000, so that the House will see that while the work, we hope, has been done well, we have not spent apparently out of proportion to the expenditure which has taken place on similar and previous occasions. If our expenditure is put down at $70,000—the whole expenditure in consolidating our laws; the statutes of the two provinces, Upper and Lower Canada, and the Province of Canada amounted to $128,000, and the expense of consolidating the statutes of Ontario, done since Confederation amounted to $74,788, I think we have not exceeded much in regard to expense. Then it must be borne in mind that in consolidating the statutes of Ontario my hon. friend from Barrie and his colleagues on that Commission did not receive any pay. As we in Ontario have had the statutes of this province revised since Confederation, so, in the Province of Quebec, they have had their statutes revised since Confederation, the revision there, I believe, was entrusted to Mr. Justice Loranger. I believe he has been going on with the work for some time, and is still engaged at it, so that we will have before long a complete consolidation of the Statutes of Quebec as we now have of Ontario. I have alluded to what has been accomplished in other provinces. With reference to the character of the work that has been done by the present Commission, I desire in the first place before alluding to the work itself, to read to the House the commission under which they acted, or some passages from it to show exactly what they were to do. They were constituted and appointed a Commission to examine the statutes passed by the Parliament of Canada since the 1st July, 1867, "and to collect therefrom all those enactments which are still in force, and to note the enactments of the old Provincial statutes which have been repealed or altered; also to classify all unrepealed enactments according to subjects, care being taken to distinguish those applying to the whole Dominion from those applying to one or more of the provinces only, and generally to make such examinations, classifications and collections of the said statutes as might be necessary, preliminary to the proper revision and consolidation thereof and they were to revise and consolidate them."

Acting upon that Commission several very serious questions at once presented themselves—questions which the commissioners had at once to deal, and I trust that the mode in which they dealt with them will meet with the approbation of Parliament. In the first place a difficulty presented itself almost immediately with reference to the course which was to be pursued in regard to the code of Lower Canada, which has the force of a statute. It was put into operation by a statute passed in the 29th year of Her Majesty's reign. The code, as hon. gentlemen know, embraces laws of all kinds and descriptions, and with reference to every possible subject, not of Statute law only or principally, but what may be called the common law of the Province of Quebec—the whole of the laws which govern the Province of Quebec are supposed to be found in the code, save those which have been enacted by Parliament since. These laws, most of them, were in force in the Province of Quebec without reference to the statute which gave the

code effect—that is the laws upon all kinds of subjects existed in Quebec previous to 29 Victoria, laws relating to marriage; laws relating to commercial matters; laws relating to land matters; and governing the relations between parent and children—all these were in force by the common law of the province, derived partly from the old Roman law partly from the *Coutume de Paris*, and partly from the decisions of the judges at different times in Lower Canada. It all existed there and the code only placed it in a convenient way for the purpose of being studied and followed, and the question came before the commissioner; what are we to do with the code of the Province of Quebec? We thought it related to so many matters as to which it did not derive force as a statute that we should not include it in our revision. We thought it should be treated as the common law in other provinces. One subject which pressed very much on us was the law with respect to bills of exchange and promissory notes. There is a law in Quebec found in the code, dealing with that subject from its foundation,—fundamentally, and also practically, saying what constitutes a promissory note, and what constitutes a bill of exchange, and what are its necessary features, what are the things that may be dispensed with, and what cannot be conclusions which we in other provinces have arrived at by common law, and by the result of judicial decisions. It seemed to us to be an unwise thing to seek to enact for the Province of Quebec alone a law with reference to bills of exchange, and that as we had no power of codifying or legislating it would not be a wise thing for us to try to deal in this consolidation of the statutes with laws on bills of exchange at large or with the commercial code—that we should leave them aside. On such subjects the Parliament of Canada will no doubt, in due time, pass laws which will affect every province of the Dominion, which will be general, and which will be identical in all the provinces; and therefore we thought we were relieved from the necessity of endeavoring to deal with the law of Quebec as affecting promissory notes or bills of exchange, and commercial subjects generally, unless we found these were subjects touched upon by statute law. Wherever we found them touched upon by statute law we dealt with them as with the laws of other provinces; but when they were not touched upon by statute law we left them as standing in the same position as the common law of other provinces. Then there is the measurement of lumber in the Provinces of Nova Scotia and New Brunswick. This matter was referred to council by the Commission, and the council decided that it was a matter for legislation and not for consolidation. Then we found laws which it would be very difficult to re-enact, and which some hon. gentlemen might have conscientious scruples against re-enacting, and these laws we thought should therefore be omitted. I refer now to the law of divorce which exists in Nova Scotia, New Brunswick and Prince Edward Island, and on which no statute of this Parliament exists; but we thought it would be very inconvenient to propose to Parliament to legislate with regard to them, and to re-enact by Dominion legislation, laws which exist now in those provinces upon so delicate and complicated a subject, and therefore we have left those laws as they are. We propose to publish them as they are—laws originated in those provinces anterior to Confederation and on subjects over which they had then control, and which it is not desirable to incorporate with our work, because our work we hope is about to receive the endorsation of this Parliament. The course we have pursued is the ordinary one which has been taken in every case where the statutes have been consolidated.

Those statutes which we did not touch for reasons such as I have mentioned, or for other reasons which we thought good, are classified and put in schedules—schedules at the end of the second volume of statutes. Hon. gentlemen will find it in the second volume of the Consolidated Statutes which were laid on the table. Schedule B contains all the Acts which for such reasons as I have mentioned, or for other kindred reasons, it was thought best not to include in the consolidated work. It would have been very difficult—impossible—for us to have sought the legislative sanction of Parliament had we introduced into our work any legislation on such subjects as these that I have mentioned; and with reference to com-

mercial subjects, so far as any legislation has dealt with them, we have inserted them. Where no legislation has dealt with them, and in the case of bills of exchange and promissory notes, we hope to have presented to Parliament hereafter some general law which shall touch on that subject and be universal for the whole Dominion. In the meantime the work which we offer to Parliament will include the whole of the Statute law of the Dominion with the exceptions that I have mentioned and those exceptions, which all appear in these schedules and the reason for them, and these reasons are the same in substance as the reasons I have mentioned, and which have been given in every consolidation for the omission from the work of certain Acts, save that I think in the case of a consolidation of this kind of the laws of the different provinces, the reasons are stronger than they can have been for omissions from the consolidation of the laws of any one particular province. These were the reasons which actuated us in omitting from the work certain statutes from the Code of Lower Canada, where it has not been affected by legislation, and certain statutes of the different provinces which will be found in the schedule to which I have referred. It is not expected that the two volumes of the Consolidation which are on the table should be the end of the matter. We propose to publish another volume which shall contain :—

1. The Imperial Statutes affecting Canada ;

2. Imperial treaties and Imperial Orders of Council affecting Canada ;

3. Proclamations and Orders of Council in Canada having the force of law ;

4. The Acts and parts of Acts mentioned in Schedule B in the second volume of the Consolidation on the table.

It would follow that any of the Acts in this Schedule, as the subjects come to be dealt with by general legislation applicable to all parts of Canada, would be repealed, so that in course of time we should have, as we ought to have as far as possible, general laws applicable to the whole of Canada. Now I will read to the House some notes which have been given to me showing the manner in which the work was discharged with reference to a few chapters, and giving the information which I propose to place before the committee to whom I hope the work will be referred, which will be of great use in guiding them as to the course which was pursued by the Commission. I will take chapter 1, "An Act respecting the form and interpretation of Statutes."

This chapter is a consolidation of sections 1 to 8, and 16 of the Interpretation Act, 31st Vic., chap. 1, and the several Acts in amendment of those sections. A few provisions from 35th Vic., chap. 27, relating to quarantine ; 37th Vic., chap. 9, relating to elections ; 37th Vic., chap. 10, relating to controverted elections, and 42 Vic., chap., 47, relating to Dominion Day, have been incorporated with the chapter. The 13th, 14th and 15th paragraphs of section 7 are new, and are introduced for the purpose of making the statutes applicable to the North-West Territories.

The 20th and 21st clauses of section 7, of the "Interpretation Act" have been omitted from the Interpretation Act, and incorporated in their proper place in the Criminal law.

Clause 35, of section 7 which makes provision for limitation of actions for penalties and forfeitures, is consolidated from the several Provincial Acts relating to that subject in force at the time of the Union.

Then, Chap. 5.—An Act respecting representation in the House of Commons.

This draft chapter is made up of Acts of the Parliament of Canada, of the late Province of Canada and of Lower Canada, which, with the provisions of the British North America Act, constitute the present law on this subject. The provisions of the British North America Act are proposed to be taken in the draft as a re-enactment, with a reference in each case to the section of the British North America Act with which they correspond, it being, of course, beyond the power of Parliament to consolidate, as such, any provisions of the British North America Act. A considerable amount of re-drafting and re-arrangement had to be done, as is apparent in the drafting of this chapter. The order in which the districts are taken in the draft is, as far as possible, the geographical one. The legislation as to the electoral districts in the Province of Quebec is given in the original Acts respecting them, and owing to the numerous amendments made in the metes and bounds of these districts rendering it impossible for the Commission to give effect to them otheswise than by re-enacting the provisions as to the boundaries by reference to the original Acts and amendments thereto. It was found to be impracticable to describe the present boundaries of the constituencies of Quebec wherever they had, as was very frequently the case, been amended by having portions of counties, townships, parishes or lots taken away from or added to them. The draft chapter, however, re-enacts,

by reference, as already described, the existing provisions in the statutes on the subject.

Chap. 7.—An Act respecting elections of Members of the House of Commons.

This chapter is the result of a very considerable re-drafting and re-arrangement of the present legislative provisions on the subject. It is thought that the arrangement submitted in the draft will be found much more natural and convenient than that of the original chapters. Attention is drawn by the aid of italics to a few additions and changes throughout the Act, which are submitted as necessary to carry out the evident intention of Parliament in the original Acts, although not therein fully expressed; such as, for example, in section 65, where we have distinctly provided for the carrying out of "a final addition" by the judge of the votes as shown in the statements of the deputy returning officers, instead of a recount of the ballots, if the applicant so desires, which final addition it is quite apparent by line 19 of section 14, of 41 Vic., chap. 6, was intended to be provided for as well as a recount of the ballots, although the further necessary provisions to carry out the final addition by the judge are omitted in the present law. There did not appear to the Commission to be any good reason for the distinction in the penalties provided for in sections 97, 98 and 99 of this chapter, and it is therefore suggested, as appears in the note to section 98, that the penalties should be made the same. If this suggestion is adopted, sections 98 and 99, as they appear in the draft, must be amended accordingly In section 131 power is given to the commissioner for taking affidavits in any provincial court to administer oaths requisite under this Act.

Chap. 27.—Consolidated Revenue and Audit.

This is the principal financial Act of the consolidation. After preliminary matter, the several charges upon the Consolidated Revenue Fund, in the order of their priority, are set forth. These have been collected from the Acts creating them and the authority is given in each instance. Then follow provisions respecting the public debt and the raising of loans. The remainder of the Act directs how the public revenue is to be dealt with, and is almost entirely from the Audit Act, 41 Vic., chap. 7. In sections 25 and 28, the Minister of Finance it substituted for the Governor in Council; this is done for uniformity. See note at the end of sec. 25. Section 71 of the draft requires amendment; see note at the end of that section. The Acts and sections taken are mentioned in the table at the end.

On every occasion where there was any change, it is either printed in italics, or there is a note calling attention to it, so that when the committee go through the volumes they will find at once where a change is made. Now, we take the chap. on Customs. Chap. 30:

The Act respecting the Department, 31 Vic., chap. 43, is taken, except s. 4 (superseded) and s. 6 (repealing clause) The Customs Act of 1883, as amended by 47 Vic., chap. 29, forms the greater part of the chapter. This has been entirely rearranged, so as to obtain a more convenient sequence. The various branches of the subject have been grouped under sub-titles. Certain sections hitherto placed in the several Tariff Acts have also been consolidated here, as more properly belonging to the subject of this chapter. These are 31 Vic., chap. 7, s. 8 (importation of arms); 35 Vic, chap 2, ss. 3, 4 and 5 (Treaty of Washington); 37 Vic., chap. 6, s. 9 (value for duty of certain articles); 42 Vic., chap. 15, ss. 9, 10, 11 and part of schedule (valuation for duty); 43 Vic., chap. 18, s. 1, part (valuation for duty); and 47 Vic., chap. 30, s. 4 (allowance for deterioration).

Section 5 of draft; canal tolls were transferred to the Department of Inland Revenue by Order-in-Council of 31st December, 1869.

Section 141 of draft was re-drafted so that the provisions respecting writs of assistance might be the same in the Customs and Inland Revenue Acts.

Section 159. The term "incorporated company," instead of "unincorporated company" appears to have been inserted in the consolidation of 1883 by a clerical error. It has been changed back to what it was in the Act 40 Vic., chap. 10, s. 142.

Section 218, "two justices," is recommended instead of "one or more justices," so that this section may be uniform with the rest, there appearing to be no reason for a differing provision in this case.

Section 245. An appeal from the Circuit Court in the Province of Quebec, to the Court of Queen's Bench should be provided for. This has been done and the new matter printed in italics.

Take Chap. 34.—Railways and Canals.

The division of the Department of Public Works, the special legislation respecting Government railways, and the extension of the powers of the official arbitrators to subjects other than those under the control of the Departments of Public Works and Railways, rendered it necessary to prepare a consolidation of the provisions relating respectively to the Department of Railways and Canals, to Government Railways, to Public Works, to eminent domain, and to the official arbitrators, in separate Acts.

The first of these is c. 34, respecting the Department of Railways and Canals. The portions of the Public Works Acts, 31 Vic., c. 12, and 35 V., c. 24 (see table at end of chapter), consolidated here, are made to apply to the Department of Railways by 42 V., c. 7, s. 5. They, therefore, appear both here and in the following chapter respecting Public

Works, the necessary changes being made. The parts of 42 V., c. 7, which relate to the Department, are also taken, together with several sections (see table at end of chapter) of the Government Railways Act, 44 V., c. 25, which are more appropriately placed here. 46 V., c. 5, relating to certain powers of the Minister, is also consolidated.

Then we come to Chap. 38.—An Act respecting Indians.

The present laws respecting the Department of Indian Affairs, the government of the Indians, and respecting their rights and property, have, except in so far as contained in chapter 20 of the draft, been consolidated in this chapter. A great deal of re-drafting and re-arrangement had to be done in preparing this chapter. The sections in the original acts were, in many cases, very long and involved, and although some of the draft sections are also lengthy, a great deal has been done to make them more easily understood and convenient for purpose of reference, by dividing them into new sections and sub-sections, as far as practicable, and by arranging them under sub-heads and re-arranging the order of them.

I will not detain the House by reading the whole of this paper, as it goes into each particular chapter, but I desire to read a passage here and there in order to show what has been done. Take Chap. 103.—An Act respecting Railways.

The note in the draft to sub-section 4 of section 3 describes the plan upon which this draft has been prepared. The Consolidated Railway Act of 1879, as subsequently amended, has been completely re-arranged, and to a considerable extent re-drafted in this chapter. Part one of the draft applies to railways constructed, or to be constructed, under Acts of incorporation obtained from the Parliament of Canada and to all companies incorporated for that purpose by the Parliament of Canada, and includes provisions as to the powers of such companies, the expropriaton of property by them, tolls, organization of the companies, their stock, calls on stock, officers of the company, and the general working of the railway. Part two of the draft applies to all companies under the legislative authority of the Parliament of Canada, including in its application, of course, those to which part one is applicable, as well as many others built under provincial or others charters. It relates to powers for the acquiring of additional lands, the construction of snow fences and bridges, and to highways and crossings, traffic arrangements, railway constables, the constitution and powers of the railway committee of the Privy Council, the investigation of accidents, and the railway fund, etc. Part three applies to all railways and all companies incorporated for the purpose of building railways, and includes provisions as to railway statistics, crossing other railways, penalties, etc. Various changes throughout the Act are suggeeted in italics and in notes to sections. As the draft now appears, many of the sections of part three will be made applicable to companies and railways to which they are not, under the existing law, applicable. The arrangement in the Consolidated Railway Act of 1879 was very complicated, and it is believed that the present arrangement, with the sub-headings which are inserted throughout the draft, will make the Act more easily understood and more easy of reference. The commissioners could see no reason why all of the provisions now constituting part two of the Act should not be made applicable to all railways and companies incorporated for the construction thereof under the legislative authority of Canada. The chief distinction between part one and part two is, that part one contains only provisions necessary for the organization of the company and the construction of the railway, whilst part two contains provisions for the working of the railway and for the public safety after the railway has been put in operation, the latter provisions being, of course, equally applicable to railways constructed either under the authority of an Act of Parliament of Canada, or otherwise, so long as they are subject to the legislative authority of Canada. Part three applies to the railways and companies included in the first two parts, and to all other railways, whether otherwise under the legislative authority of Canada or not.

Another to which I may refer is Chap. 117.—Bills of Exchange and Promissory Notes.

This is one of the least satisfactory of the chapters prepared. Although care has been taken to bring the several provisions which could be made to apply to all Canada together, the greater part of the Act is taken up with provisions applying to single provinces. In addition to this there are sixty-nine articles of the Civil Code of Lower Canada (chiefly enunciative of the common law) which relate to this subject, as respects the Province of Quebec. These have not been introduced into the consolidation, as the code in question, though prepared under a statute, is not found in the Statute Book. The provisions consolidated are as set forth in the table at the end. As to the sections recommended for repeal, s. 3 of 38 V., c. 19 refers to pending cases and is effete; s. 1 of 46 V., c. 22, is an extending section and now unnecessary; s. 4 of C. S. C., c. 57, is superseded by the Civil Code of Lower Canada, and s. 5 by 38 V., c. 8, and 42 V., c. 47. Of C. S. U. C., c. 42, sections 2, 3 and 4 are considered unecessary; sections 9 and 10 are superseded by 38 V., c. 19; sections 17, 18 and 20 are superseded by 35 V., c. 8, 42 V., c. 47, and 46 V., c. 20. In addition to s. 14, set down as provincial, sections 23 to 36 both inclusive, should have been so classified. S. 1 of R. S. N. B. is superseded by 38 V., c. 19; s. 2 is unnecessary, and s. 3 is already repealed. Of

22 V. (N.B.), c. 22, s. 1 is superseded by 38 V., c. 19; s. 2 is a repealing clause, and s. 3 is superseded by 38 V., c. 8, s. 8, 42 V., c. 47, s. 3, and 46 V., c. 20, s. 11. S. 4 of the draft; so far as relates to New Brunswick and Prince Edward Island, the provisions of this section are extended to foreign as well as inland bills of exchange. S. 11 of the draft; it is suggested that this provision should be made applicable to all the provinces.

Then Chap. 118.—An Act respecting Insurance. Table, p. 1638.

Two Acts have been consolidated in this chapter, 38 V., c. 20, relating to fire and marine insurance, and 40 V., c. 42, relating to life and other kinds of insurance.

Certain sections providing for winding up insurance companies formerly in these Acts before there was a "Winding-up Act," or an insolvent Act relating to companies, have been transferred to the "Winding-up Act," in which there were already certain sections relating to insurance companies.

S. 2. Certain clauses indicated have been added. An attempt to define inland marine insurance has been made. P (*i*) is taken from a former Insurance Act of Canada.

S. 3. Contains changes suggested by the Superintendent of Insurance. It is now more apparent that the Act applies to life companies incorporated in a province effecting insurance on lives in other provinces.

S. 6. Upon the report of the Superintendent inserted.

S. 8. See note at foot of sub.-s. 3.

S. 11. Amended.

S. 16. Sub.-s. 2. This we added to obviate difficulties as to service which might arise. Such a difficulty had arisen.

S. 19. Re-drafted and broken up into paragraphs, in consequence of consolidating sections which were different in respect to different companies.

S. 22. Sub.-s. 2. In order to enable the penalties to be recovered summarily, words are inserted in this section. See note at foot of section.

S. 24 is re-drafted, to make it more easily comprehended. Important words added to sub.-s. 12, to inforce its provisions.

Ss. 25 and 33 are new.

S. 38 re-drafted. Power is given to enable the Minister to apply to companies other than life, fire or inland marine insurance companies, the provisions of this Act. This only indicates the mode in which he will carry out powers he had under the original section.

38 V., c. 26, ss. 16 and 17.

40 V., c. 42, ss. 15 and 16.

These sections have been transposed to the "Winding-up Act."

Chap. 133.—An Act respecting evidence.

This chapter is taken principally from the Documentary Evidence Act, 1881. Of that Act, section 4 is omitted from this chapter and included in the Act respecting forgery.

To the provisions of the Documentary Evidence Act, are added the following:

Section 5, taken from 41st Vic., chap. 7, section 6, by which it is provided that an order in writing, signed by the Secretary of State of Canada and purporting to be written by command of the Governor-General, shall be received as the order of the Governor-General.

Section 6, a provision from 32-33 Vic., chap. 7, sec. 4, whereby copies of official and other notices in the "Canada Gazette" are made *prima facie* evidence of the originals.

Section 8 is new, and makes provision that in all proceedings over which the Parliament of Canada has legislative authority the laws of evidence in force in the province in which such proceedings are taken shall apply to such proceedings, subject to the provisions of any Act of the Parliament of Canada in that respect. This provision is, in respect of evidence, similar to the provision contained in the Procedure Act with respect to juries, whereby the provincial jury laws are adopted as the jury laws in criminal cases, except so far as the Parliament of Canada may make special provision. It was thought advisable to add this provision so as to remove any doubt upon questions arising in matters of evidence.

Chap. 148.—An Act respecting Perjury.

This chapter is a consolidation of sections 1, 2, 6 and 7 of 32-33 Vic., chap 23 and part of 33 Vic., chap. 26, section 1. Section 4, of 32-33 Vic. chap. 23, will be found with the chapter respecting Extra-Judicial Oaths, 33 and sections 8 to 11 and part of section 1 of 33 Vic., chap. 26, will be found in the chapter relating to Procedure in Criminal cases. Section 5 of 32-33 Vic., chap. 23, provides, that anyone who wilfully and corruptly makes a false affirmation, affidavit or declaration required by any fire, life or marine insurance company shall be guilty of wilful and corrupt perjury. This provision, as well as a great number of similar provisions, occurring in different places in the Statutes, it is thought could be properly left for repeal as being really covered by section 2, chap. 148, of the consolidation, that section providing for the punishment for taking any false oath, affirmation, declaration or affidavit in any case in which by any Act or Law of Canada, or of a province of Canada, it is required or authorized that any matter be verified, assured or ascertained upon oath, affirmation, declaration or affidavit.

Chap. 150—An Act respecting offences against Religion.

Section 1 and 2 of this chapter are taken from section 36 and 37 of 32-33 Vic., chap. 20, intituled: "An Act respecting offences against the Person." Section 3, respecting the desecration of the Lord's Day, is taken from the Revised Statutes of Nova Scotia and New Brunswick, with the addition of a clause from the Consolidated Statutes of Upper Canada, chap 104, relating to the conveyance of

travellers and of Her Majesty's mails by land or by water and to the selling of drugs and medicines. The section covers the more important provisions contained in the Imperial Statutes, 29th Charles II., chap. 7, which is in force in British Columbia and possibly in force in the Province of Quebec. To the extent to which this provision goes it was thought that this section might be made to have general application throughout the whole of Canada.

Chap. 158.—An Act respecting Larceny and similar offences.

The principal Act upon which this chapter is founded is chap. 21 of 32-33 Vic., intituled: "An Act respecting Larceny and similar offences." From that chapter have been omitted the provisions respecting procedure, threats, wrecks and salvage, accessories, punishments and summary convictions. By reference to the table it will be seen, too, that a number of other provisions of the Statute law have been incorporated with the chapter. Section 91, is taken from the Statutes of the late Province of Canada. Sections 93, 94 and 95 it is proposed to continue as applicable only to the Province of Quebec, and sections 97 and 98 are continued as applicable only to the Province of British Columbia.

Chap. 167.—An Act respecting Threats, Intimidation, and other offences.

Sections 1 to 8 relate to threats and the sending of threatening letters and are taken from chaps. 20, 21 and 22 of 32-33 Vic.

Sections 9 to 14 relate to intimidation and are taken from 32-33 Vic., chap. 20, 35 Vic., chap. 31 and 39 Vic., chap. 37, and also from 23 Vic. (Canada) chap. 2, section 33, and 43 Vic., chap. 28, section 55.

Sections 15 to 19 relate to criminal breaches of contract and constitute the consolidation of 40 Vic., chap. 35.

Sections 20 to 24 relate to frauds with respect to contracts and business with the Government, and constitute a consolidation of 46 Vic., chap. 32.

Section 25 relates to the wilful violation of statutes, and is taken from 31 Vic., chap. 1, section 7, paragraphs 20 and 21, and from 31 Vic., chap. 71, section 3.

Section 26 is the general provision now contained in the Procedure Act with respect to frauds, cheating and conspiracies.

Sections 27 and 28 are at present in force only in Ontario. They make provision for the punishment of anyone who destroys or alters his books or makes away with his property with intent to defraud his creditors.

Section 29 relates to the punishment for misconduct by sheriffs and other officers in the execution of legal processes. This provision is taken from 27-28 Vic. (Canada), chap. 28, section 31.

Section 30 relates to embracery, and is taken from the Consolidated Statutes of Upper Canada, chap. 31, section 166.

Section 31 provides for the punishment of private prosecutors, who in Quebec, discontinue *qui tam* actions without the permission of the Crown. It is taken from 27-28 Vic. (Canada) chap. 43, section 2.

Chap. 174.—An Act respecting Punishments, Pardons and Commutations of Sentences.

Sections 1 to 3 relate to punishment generally. Sections 4 to 22 relate to capital punishment, and are the provisions on that subject contained in chap. 29 of 32-33 Vic., as amended by 36 Vic., chap. 3.

Sections 23 to 28 relate to imprisonment. Section 23 is part of section 88 of 32-33 Vic., chap 29. Section 24 is the remainder of section 88, and to the extent marked in italics is new. By section 26 it is provided that:—

"Every one who is liable to imprisonment for life or for any term of years or other term may be sentenced to imprisonment for any shorter term; provided, that no one shall be sentenced to any shorter term of imprisonment than the minimum term, if any, prescribed for the offence of which he is convicted."

By section 28 it is provided that:

"28. Every one who is sentenced to imprisonment for life, or for a term of years, not less than two, shall be sentenced to imprisonment in the penitentiary for the Province in which the conviction takes place:

"2. Every one who is sentenced to imprisonment for a term less than two years shall, if no other place is expressly mentioned, be sentenced to imprisonment in the common gaol of the district, county or place in which the sentence is pronounced, or if there is no common gaol there, then in that common gaol which is nearest to such locality, or in some lawful prison or place of confinement other than a penitentiary, in which the sentence of imprisonment may be lawfully executed:

"3. Provided, that any prisoner sentenced for any term by any military, naval or militia court martial, or by any military or naval authority under any Mutiny Act, may be sentenced to imprisonment in a penitentiary:

"4. Imprisonment in a penitentiary, in the Central Prison for the Province of Ontario, in the Andrew Mercer Reformatory for Females, and in any reformatory prison for females in the Province of Quebec, shall be with hard labor, whether so directed in the sentence or not:

"5. Imprisonment in a common gaol, or a public prison, other than those last mentioned, shall be with or without hard labor, in the discretion of the court or person passing sentence, if the offender is convicted on indictment, or under the 'The Speedy Trials Act,' and if convicted summarily, may be with hard labor, if hard labor is part of the punishment for the offence of which such offender is convicted, and if such imprisonment is to be with hard labor, the sentence shall so direct:

"6. The term of imprisonment in pursuance of any sentence, shall commence on and from the day of passing such sentence, but no time during which the convict is out on bail shall be reckoned as part of the term of imprisonment to which he is sentenced:

"7. Every one who is sentenced to imprisonment in any penitentiary, gaol or other public or reformatory prison, shall be subject to the provisions of the statutes relating to such penitentiary, gaol or prison, and to all rules and regulations lawfully made with respect thereto."

By putting these provisions in this form the Commissioners have been able to omit from the concluding clause of almost every section of the criminal law the provision with respect to imprisonment in the penitentiary and in the common gaols, thereby lessening to a very great extent the volume of the criminal law. It is thought, however, that the effect of the law is substantially the same as it was previously. The remainder of the chapter relates to imprisonment in reformatories, to whipping, to sureties for keeping the peace and fines, to solitary confinement, pillory, deodands, attainder, pardons, and the commutation of sentences. By reference to section 34, it will be seen that an amendment is proposed, whereby the punishment of solitary confinement will, if the amendment is adopted, be abolished. This punishment is seldom, if ever, in practice inflicted, and while it is a convenient punishment for prison offences it is not thought desirable to continue it with respect to the general criminal law.

Chap. 176.—An Act respecting Public and Reformatory Prisons.

This chapter is a consolidation of a number of Acts with respect to provincial prisons.

Part 1 deals with subject of insecure prisons, the employment of prisoners and the improvement of prison discipline.

Part 2 is a consolidation of the provisions of the Dominion Acts relating to the Central Prison for the Province of Ontario, the Ontario Reformatory for boys, the Andrew Mercer (Ontario) Reformatory for females and Industrial Refuge for girls.

Part 3 is a consolidation of the provisions of the Dominion Acts relating to the reformatory schools in Quebec, to reformatory prisons for females in Quebec, to the employment of prisoners and to the common gaols in that province.

Part 4 is a consolidation of the provisions of the Dominion Acts relating to the Halifax Industrial School and to the Halifax Reformatory School for boys of the Roman Catholic faith.

Part 5 is a consolidation of the Acts of the Dominion, relating to the proposed Reformatory Prison in Prince Edward Island and also of 17 Vic., chap. 13 (P.E.I.) section 1, relating to the removal of prisoners to the gaol of Queen's county.

I will not detain the House by reading any more of it. I propose to enclose to each member of the committee—I hope it will be a joint committee ultimately—at an early day a copy of the paper from which I have been reading, which will convey the fullest information as to the course pursued with reference to each chapter of these two volumes from the beginning to the end. I perhaps ought to say that there has been also a consolidation of the whole body of the Criminal Law. This was effected by Sir John Macdonald in one of the earlier sessions after Confederation. Many of those members of the House who were here then will remember that that work was introduced by myself. I was then, as I am now, by the favor of the House leading the Senate, and the work was placed in my hands. It was late in the session and a complaint arose that there was not time to consider it properly. That complaint was strongly enforced in an eloquent speech by an able friend of ours now deceased—whose voice, as I mention it, many of us will hear again ringing in our ears, Mr. Sanborn, from Wellington Division—who enforced with great earnestness the necessity of further delay. The Bill was postponed, and it was not until the following session that the acts were passed consolidating as they stand now (very much) the whole of the Criminal Law of the Dominion into one series of acts, which I think, for the most part, still remain in force. To allude for a moment to another point which we often hear mentioned in the Senate; that was one instance, at all events, where the majority of the Senate were not with the Ministry of the day. Although the Government was exceedingly strong in both Houses, yet here on the suggestion that there was not sufficient time, and notwithstanding such humble exertions as I could use, we were defeated, and the work was laid over until the following session. It was then passed, and as I say constitutes now one of the Criminal Laws of the country. It was a work in which Sir John Macdonald took the deepest interest.

I have now given you a fair outline of all the work which has been done concerning consolidation anterior to and since Confederation, in the several provinces

which came into the Union, and all the work which has been done since the Union in the Dominion. Certainly the work which I now present to the House, if it is correctly done, as I hope and believe it to be, will be of the greatest possible value to all professional men, and also to laymen, because it presents in two volumes not too bulky, the whole statute law of the country. That it may be found correct, and that we may come out of the great task which as entrusted to us with some credit is my earnest hope.

HON. MR. ALEXANDER—I desire to avail myself of the opportunity to offer one or two observations upon this resolution. It is no doubt very desirable and very necessary for the Bench and the Bar that every fifteen or twenty years there should be a consolidation of the various enactments and laws passed by this Parliament. The necessity arises from the vast number of enactments and amendments introduced session after session to every law on the statute books, but this involves a very large expense, and I would take this opportunity of observing that it would be very desirable if the Government of this Dominion would, in the future administration of public affairs, remember that this is not a rich country. We should endeavor not to load unnecessarily with trivial amending Bills, the statute books, session after session. I have had occasion, and sometimes perhaps by so doing, brought the obloquy of the House upon myself, to call attention to the fact—I remember protesting against the Minister of Militia once bringing in a Bill simply to declare that a pistol found on a person carrying it unlawfully, instead of being delivered to someone else should be delivered to the Lieutenant-Governor. How truly ridiculous legislation of such a character ! I could point to a number of Bills of a similar character introduced from time to time, loading the statute books with unnecessary legislation. It certainly is not creditable to the Parliament of a great Dominion such as this. Then with regard to the criminal law, we find, session after session, members of the Goverment coming down with small special acts. I ask this House why could not the Government of the country, with the most astute lawyers among its members, bring in a comprehensive Bill embracing a number of the criminal laws ? Why I make such a remark at this moment is that we see the President of the United States, the head of a great nation of 50,000,000 of people, one of the wealthiest countries in the world, declaring to the people of the United States his determination to curtail even the numbers of newspapers taken at the White House in order to save the public money. And while the Government of the United States find the necessity to act with economy, the Government of this country appear to be acting with reckless extravagance in everything that they do. We are a people of only four and a half millions to-day, yet our Government are acting totally regardless of their present circumstances, which are not so prosperous as they may appear to be. It is very true that we have a valuable territory in the North-West, but immigration cannot be induced to go there sufficiently rapidly to fill up that territory as we would all like to see it. Now I come to a more important point. I have to observe that the Dominion Government should in the future be a little more circumspect and careful of their legislation. Surely an administration composed of the most astute lawyers in the country ought to know when their legislation is constitutional. Is it not unseemly that at this moment there should be litigation in the higher courts between the Dominion and Ontario Governments Can anything be more unseemly than to behold the Province of Ontario obliged to call in question the constitutional right of the Dominion Government to legislate on the licensing question ? Such antagonism, may, if carried on, break up Confederation. Here we have the Dominion Government enacting a license law, while the Provincial Governments maintain that that subject falls within their exclusive jurisdiction. It is not for me to impute motives, but it has the semblance as if the Dominion Government wanted, if possible, to checkmate the Premier of the Ontario Government, and here we have the hon. gentleman introducing a consolidation of the statutes containing the very license law which the highest court of the land has pronounced to be unconstitutional, and which we are told is to be referred to the Privy Council for final decision. The Government seem

to go on recklessly, and care not what money they spend in order to obtain party victory, and if they continue their present course much longer they may produce a spirit of discontent which will ultimately break up the Confederation.

HON. MR. WARK—No one will charge me, I think, with a desire to be extravagant, but we made a great mistake in New Brunswick on this question which I am very glad to see the Government here are going to avoid. We appointed a commission of very efficient and able men. The Minister of Justice has named them—the late Mr. Kinnear, who stood very high at the bar, Judge Fisher (Mr. Fisher he was then) and Judge Chandler — all very efficient men, but there was no revision whatever of the work before it was presented to the legislature. I remember how frequently the judges put a different construction on the wording of the laws, a construction which the commissioners never expected nor intended, and I came to this conclusion that one set of men, or one man, may express an idea in words which he thinks perfectly clear and correct, and if another man reads the same words over without knowing what the intention of the writer is, he may come to a different conclusion and give a different meaning to them. For that reason I think that the course pursued by the Government in this instance is a very necessary one. I have no doubt that the Minister of Justice has looked at what was done by the Government of Massachusetts in the consolidation of the laws of that state. They appointed a commission just as has been done here, and certainly their work was not half so intricate as the consolidation in this country where the enactments of so many legislative bodies had to be considered. The Government of Massachusetts appointed a commission, and then a joint committee consisting of so many members of both branches of the State Legislature. In 1832 my attention was called to it and I pointed it out then to the Attorney General of New Brunswick as a very satisfactory way of consolidating the laws. That committee of the legislature, a committee such as you are now about to appoint, spent 81 days on the work, and when they consolidated their laws again in 1858, they spent 80 days. For that reason I question whether a committee appointed in this way can by any means overtake the work during the session. I think if the course pursued in Massachusetts is adopted it will prove much more satisfactory if a joint committee is appointed to sit during the recess. When the committee of the Massachusetts legislature did get through with their work, the legislature did not immediately adopt it, but examined it very carefully. On the last occasion they spent 11 days in which they re-enacted the work of the commission. However, it is for the Parliament to decide when this joint committee is to sit, bct I think it would be better for them to sit during the recess as the Massachusetts committee did, and give their whole time to the work. At the last revision in Massachusetts the time spent was not given. This is a question which ought to be gone into deliberately, and the question of expense ought not to be considered. It is much better to have the work properly done than to have bills brought in every session explaining or amending the laws—very much better, even at a considerable expense, to have the work properly done at the outset.

The motion was agreed to.

EVIDENCE IN DIVORCE CASES.

MOTION.

The order of the day having been called, that in future, where the evidence taken before a committee on a bill of divorce is directed by the committee to be printed, it shall be printed apart from the minutes of the proceedings of the House and only in sufficient numbers for the use of members of each House, that is to say: a copy for each member.

HON. SIR ALEX. CAMPBELL said: That motion, if the House will allow me, I will amend. The Speaker has pointed out that it would not accomplish the object I had in view, and I propose to move it now in these words:—

That in future, the evidence taken before a Committee on a Bill of Divorce shall be printed apart from the Minutes of the Proceedings of the House, and only in sufficient numbers for the use of the members of each House, that is to say: a copy for each member.

My idea was that it would save a good deal of annoyance, and some scandal perhaps, in certain cases if we kept the minutes of the evidence out of our proceedings and published them separately so that it would be only members of the House who would get them and not the outside public, as far as we could avoid it; and I also thought that in this way we should meet what seemed to me to be the just objection of my hon. friend, the junior member from Halifax, against giving a vote on a Divorce Bill when he had not an opportunity of seeing the evidence. I suggested when that objection was made that my hon. friend might see the evidence by going to the table of the House. Of course there is more or less trouble in reading the evidence in manuscript, but I think in this way, by printing it separately and the clerk being charged with the custody of these copies and seeing that they only go to members of the House, we shall adopt a middle course which will, as far as we can conveniently go, avoid producing a scandal and yet at the same time enable each member of the House to read the evidence which has been given. I hope the suggestion will commend itself to the favorable consideration of the House.

HON. MR. ODELL—In connection with the question now before the House, I would desire to call the attention of the Senate to the other rules that govern the Divorce Committee in the discharge of their duties. The House is aware that some little time ago there was a discussion here with reference to the rule governing the sittings of those committees, and at that time there was an expression of opinion that there was a discretionary power vested in the committee with regard to the exclusion of strangers. In consequence of the observations which were made in the House, as chairman of a committee on which I was subsequently placed, I thought it my duty to refer to these rules and bring them before the attention of the committee, because in reading the rules, I came to the conclusion there was no discretionary power placed in the hands of the committee with respect to the exclusion of strangers. I put the question to the committee, and I think the opinion there was unanimous that we had not that discretionary power. Then I felt after what was said in the House with regard to that discretionary power, after the business had commenced, it would not be proper to allow reporters to be present to spread abroad throughout the country the proceedings before the committee; and acting, under the direction of the committee, I requested strangers to retire, and in that instance we carried on the business of the committee without the admission of strangers. In support of what I have said with regard to their being no discretionary power vested in the committee, I would refer to the rules which I think govern the committee on these occasions. Rule 94 distinctly says:—

"Senators though not of the Committee are not excluded from coming in and speaking, but they must not vote; they sit behind those that are of the Committee."

There it distinctly states who are to be admitted.

HON. SIR ALEX. CAMPBELL—Read rule 95.

HON. MR. ODELL—That rule distinctly states who are to be admitted. Then if you come to rule 95, it distinctly says that "No other persons unless commanded to attend are to enter at any meeting of the Senate Committee or at any conference;" so that the first rule states who may be admitted, and the 95th rule states that no other persons, and the "no other," it seems to me, makes the rule absolute. "No other persons, independent of members of the Senate, are to be admitted."

HON. SIR ALEX. CAMPBELL—Does not that give the power to exclude strangers?

HON. MR. ODELL—It gives the power of excluding, but it does not give the power of admitting. The opinion of the committee seems to have been that there is a discretionary power on the part of the committee not to "see" strangers.

HON. SIR ALEX. CAMPBELL—If you want to allow strangers to be present we do not "see" them, the same as in the House here, but if you do want to exclude them then you can "see" them.

HON. MR. ODELL—It appears to me that the rule is absolute. You first say who are to be admitted, and then you say that no other persons are to be admitted, and that appears to be an absolute rule, and I bring it to the attention of the House so that there will be no misunderstanding in the future. Another point is, I think, that under any circumstances the members of the other House ought certainly to be admitted to those committees.

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. ODELL—I think that ought to be distinctly stated in the rule. However my object now is to get an expression of opinion from the House to govern committees in future as to how far that discretionary power exists.

HON. SIR ALEX. CAMPBELL—I would prefer that the expression of opinion should come from the Speaker.

THE SPEAKER—I quite agree with the opinion expressed by the Minister of Justice. I look upon the rule as giving absolute control of the subject to the committee as to the admission or exclusions of strangers, and as is the case in both branches of the legislature, strangers are always admitted, and although admitted are not supposed to be seen until such time as their exclusion is required. I think the same construction is to be placed on the rule that governs the committee that is placed on the rule that governs the House here.

HON. MR. GOWAN—The matter came up before a committee of which I was chairman, and although the rules may literally go towards excluding members of the House of Commons, still I did not think that the spirit and intent of the rules is to exclude them, and for this reason; although, for convenience sake, divorce proceedings originate in the Senate, still the matter is disposed of by Parliament, and the gentlemen from the other House might desire to have an opportunity of seeing the manner and the demeanor of the witnesses under examination, that they might not have to pass merely on the written evidence. Therefore, although literally, and perhaps under a very strict construction of the rule, it might be held to exclude even members of the House of Commons, still I think the spirit and meaning of the rules should not be held to exclude them, and I certainly as chairman would not exclude them, and I would not put on my spectacles to "see" them, if they were present.

HON. MR. BOSTFORD—I think a provision ought to be made for recording the proceedings of the committees. Certainly there ought to be a copy on fyle.

HON. SIR ALEX. CAMPBELL—The mauuscript will be on fyle.

THE SPEAKER—The rules as they stand provide for that.

HON. MR. POWER—As to the difficulty which occurs to the hon. gentleman from Fredericton, and which His Honor did not go into—the difficulty with respect to members of the House of Commons being present at Divorce Committees—I do not think it is a serious one, because the committee have the right to exclude all and have the right to admit all; and I think between these two limits they have the right to admit whom they please, and the committee could simply order all except members of the two Houses to withdraw. I do not rise for the purpose of objecting to the resolution moved by the Minister of Justice, but to express my regret that such action has been found necessary. For the last two or three sessions we seem to have got along very well with divorce cases without any printed evidence, and I regret that it is deemed necessary now to print this evidence, although printed for the use of members only; as it will in many cases get into the hands of other persons and the evil we are desirous of preventing will occur. I cannot see any good end to be served by the publication of the evidence taken in these divorce cases. I have not yet found any one who is able to point out what public end is to be served by printing it. There is really no necessity for it, because although theoretically the whole House is constituted a court to consider these Divorce Bills, every hon. gentlemen knows that substantially that is not the case. The Bill is referred to a committee, and that

committee is really the court, and there has hardly been an instance within my experience here, where the House did not concur in the action of the committee. If the committee are satisfied as to the evidence, then the members of the House as a rule do not investigate it and there is no reason why they should.

HON. MR. ALMON—I am sorry to have to differ so frequently in opinion from the senior member from Halifax. He does not vote on these questions, but I do. It is very hard that because he does not consider it his duty to vote on these bills that he should oblige me to go it blind on a question that I have had no opportunity of getting information on. I do not think that a committee appointed to try a divorce case are judges. I think they are there simply to collect evidence, and that evidence, whether it satisfies them or not, is to be laid before us, and we try the case upon it, and after we pass our judgments upon it it is laid before the House of Commons. I am very much astonished to hear members who regularly attend the meetings of those committees and hear all the proceedings—a thing I have never done except when on a committee myself—suppose that we wish to have the evidence printed to gratify a prurient taste and encourage prurient ideas. I am very glad now that the Minister of Justice has yielded to the suggestion that I have made, to have the evidence printed and in the hands of members. I should think myself guilty almost of perjury in voting on a question that I had not an opportunity of informing myself on properly.

HON. MR. PLUMB—I am very glad that this matter has taken the shape of a motion. I know that it is very painful for members of this House to be compelled to sit upon divorce committees. I do not think it is a duty which anyone performs with pleasure. The Senate is constituted a Court of Divorce, and it so happens that some of its members—and a somewhat limited mumber they are—who have no conscientious scruples against sitting on those committees have the duty thrown upon them. The proceedings are all of a painful character—all the details are painful. It is an unpleasant duty to every right-minded man to be compelled to sit and listen to the evidence. I believe that there is no gentleman in this House that will not corroborate what I have said. Up to this session I have not sat upon any divorce committee. It happened that there were several cases before the Senate this session, and it was necessary for every hon. gentleman to take his part in the work on some one of the committees. It is most distasteful, I presume, to those who do it, because it involves in all cases some family trouble, some wreck of happiness, and any sympathetic person will feel that it is desirable in all cases of the kind to spare, as far as possible, the feelings of those who are compelled to come to this body to ask for relief in cases wherein it cannot be avoided. I think it was only acting in accordance with the expressed wish of the Senate that the community at large should be excluded from those proceedings, and from making these examinations a place for idle curiosity to come and listen to that which did not concern them at all. I think it was very proper that reporters should be excluded from those committees, and I was very glad that it was done. I believe that it was done in conformity with the wish of this body, of every member of it. I do not think that there is an hon. gentleman here who desires that the evidence in these divorce cases should be bruited about the country, served up in scandalous tit-bits to satisfy the prurient taste of irresponsible persons who only select those portions of the evidence that they think will be most salient and stimulating; if it is to be brought before the Senate in the form in which the Minister of Justice proposes, it is quite sufficient. That it should go to the Commons is absolutely necessary, because the Commons as well as the Senate must judge of the merits of the case on the evidence. If the evidence is printed in the way it is proposed, it will no doubt satisfy every member of the Senate; but it does not satisfy some other people. I was very much surprised to find in one of the leading newspapers of the country an article that I could scarcely conceive could have found its way into the columns of any respectable journal. The article in question is of a character so astounding that I cannot by any possibility believe that it could have received the approval of, and been placed

there by the responsible editors and proprietors of a respectable family newspaper. Even at the risk of taking up some little time, as I imagine this article has not come under the cognizance of senators generally, I shall give some idea of what has been printed in a journal that purports to be a guide to public opinion, in regard to the exclusion of the public from those committees. I may say at the same time that in the committees I sat upon there was not for a moment a question as to what decision the committee should come to. In each of those cases ample proof was given of the service of the notice upon the respondents. Ample proof was given that the respondents were living in utter disregard of their marriage vows—that they were living in shameless adultery. In another case where I was not a member of the committee, I was present when some of the evidence was adduced—evidence that a young and respectable woman had been maltreated by her husband who had disregarded the law from the very beginning, and there was no hesitation on the part of the committee in reporting in favor of the Bill which was introduced, and it seemed to me that it was an act which ought to be considered praiseworthy that these unfortunate persons who were compelled to come before the Senate, should be protected from being made a gazing-stock of by prurient people with prurient curiosity, who are there simply for the gratification of a vitiated taste. In two of those cases the petitioners were brought there by, and were under the protection of their own fathers. Nothing would be more proper than that the committee of the Senate should try as far as possible in administering that law to protect people who unhappily have to come before them under such circumstances. Having said this much I will, if I am allowed, read to the House the view that is taken of these matters by one of the leading papers of the country?

HON. MR. POWER—Dispense.

HON. MR. MACFARLANE—What paper is it.

HON. MR. PLUMB—It is an editorial article published in the Toronto *Globe* of the 10th of March. (Mr. Plumb here read an article from the editorial column of the *Globe* headed "The Senate and the Reporters.") I think the House will unite with me in thinking that an article of that kind is utterly disgraceful. It is an imputation on the honor and dignity of this House; it is an imputation that the gentlemen who compose this body are not capable of rendering a proper decision in cases which are brought before them; that they endeavor to hide and screen their work, and I would suggest that such an article as that should not be permitted to go unrebuked by this House. I believe that the Senate will unanimously sustain the committee in the course which they adopted, because I think there was ample authority for it in the rule itself; and I think it was as well the expressed intention of this House that the public should be excluded from the committee, and if there was anything to convince me, and I presume to convince others who are within sound of my voice that we are right in what we have done, it is just such an atrocious article as that to which I have drawn the attention of the Senate. I believe that the interests of society will be best protected by the course which the Senate is pursuing, and I believe that those persons who are compelled to come before this body for the purpose of obtaining relief from the bonds of matrimony are entitled to the protection of this court, and they should not be made subjects for public scandal, and for prurient and impudent curiosity.

HON. MR. READ—There is one thought that occurred to me when this discussion was going on, and it is the necessity that has arisen even in this House for the publication of the evidence taken before divorce committees. In one case that has been before Parliament this session, the evidence was of a character, I am told, that was considered unfit for publication; and I am informed that when it went to the other branch of the Legislature members there said that they had not had an opportunity of seeing the evidence, and consequently they would not vote upon the Bill. Now, in a clear case such as this was for relief under our laws, it seems to be a pity that the petitioner should be frustrated in that

manner and prevented from getting relief. Of course if the motion of the Minister of Justice is adopted such a thing will not occur again. Then with regard to the privacy of divorce proceedings, I happened this morning to take up a paper in which was published the evidence in a celebrated case that has been going on in England—that of Lord Durham. I notice in it that up to a certain stage the examination was public; but after a certain point the examination was on two occasions made with closed doors. This would show that in England it is considered only right not to allow certain evidence to go to the press, and I am very glad that the Minister of Justice has introduced his resolution, because I know that there are a number of gentlemen in this House who, from religious convictions, vote against divorce no matter what the evidence may be. There are, however, others who do not think the same way, who have to decide on those cases and who should have the printed evidence on which to form their opinion.

HON. MR. O'DONOHOE—I approve very much of the discreet course proposed by the Minister of Justice. I do not at all agree with my hon. friend, the senior member for Halifax, in the view he has propounded upon this question. I think that while the committee should hear the evidence and become conversant with it, that every member of the House is equally entitled to read it and understand it. When divorce bills come before this House, although certain members may not choose to take a part in deciding upon them, still every member is entitled to vote upon every one of those cases if he wishes to do so. For that reason there is nothing more proper than that the evidence should be in the hands of every member of the House. How shall I, who have not been on a committee, decide how I shall vote, unless I can see the evidence? It is the light which must govern us in voting on cases of this sort if we vote at all, and particularly so must it be in regard to the other House. They are not on the committee investigating those cases, and it becomes a necessity that they shall see the evidence, and if the members of the committee are entrusted with certain discretion, surely the other members of both Houses are equally deserving of this trust to keep this evidence as much as possible from the outside public. As to the article which my hon. friend from Niagara has brought to the notice of the House, if the object of the writer of that article was to give it greater publicity he could not have secured that end any better than to have it quoted here, because I venture to say it may be transferred by the reporters to the records of the debates of this House. I do think it is such an article as should not be quoted in the debates of the Senate.

HON. MR. PLUMB—Why not?

HON. MR. O'DONOHOE—My hon. friend asks "why not?" because of its character. Why does my hon. friend take objection to it? He takes objection to it because of its character—because of its reference to the feelings that actuate members of this House, and because it is against the honor and the dignity of this House. My hon. friend brings it before our notice on that account, and reads it on that account; but if we take it after reading it, and transfer it to the records of the Senate, we are giving it a sort of immortality.

HON. MR. PLUMB—My hon. friend knows it is published in 25,000 issues of the daily *Globe*, and in probably 50,000 issues of the weekly *Globe*.

HON. MR. O'DONOHOE—My opinion is that it has been published in 75,000 papers too many, and that we should not publish it in any other, and I think if we were to treat it as it deserves, we should prevent it from appearing on our record at all, because if we allow an article of that sort to be read out word for word and transferred to the Senate Debates, what kind of an article may not be written, be it of ever so foul a character, that may not be referred to in a debate, and therefore transferred to our record to be preserved there for all time to come? I do not propose to move any resolution to eliminate it from our Debates; I am merely expressing my opinion as a novice in this House, but I do not think it is an article that we should chrystalize, or make lasting by incorporating it in our record.

HON. MR. BELLEROSE—My intention is not to discuss the question that is now before the House—that is the distribution of the printed copies of the evidence taken before the Divorce Committees—but I rise to say that I have no doubt that hon. gentlemen in this House who speak the French language would have no objection if the French version were not published at all. I am sure there would be no objection to that. I would not like to have this made a rule, but I believe that it might be undertood by the French translators that they need not do it, and that if they do not do it they will not be liable to any blame. I may say that even the English version of the evidence is not necessary for me to have, because according to my views on the subject of divorce, no matter what the evidence may be, I am not allowed to vote for such a Bill—I am bound to vote against it under all circumstances.

HON. MR. SMITH—No, not at all.

HON. MR. BELLEROSE—I am not discussing that point; I speak merely for myself. If it were only for a separation, such as we have in our province, then I could vote for it; but under our law no man separated from his wife, or wife from her husband, no matter what the cause may be, can marry again. As divorce bills that come before the House permit a second marriage, I say that in every case, without any exception whatever, we are not allowed to vote for such measures.

HON. MR. KAULBACH—I am very glad that this motion has been made by the Minister of Justice. I think I may take to myself some credit for having brought the hon. Minister to taking this step.

HON. MR. ALMON—That is my "thunder."

HON. MR. KAULBACH—I remember an occasion on which I was very much brought to book. It was a case reported from a committee of which Senator Dickey was chairman, and the committee were unanimous in their report; but I disapproved of the House voting upon that report before the evidence was in the hands of hon. members so that they could read it. In that case I was sustained most emphatically by the junior member from Halifax (Mr. Almon.) As regards the article that has been quoted by the hon. member from Niagara, I am surprised to learn that it is an editorial in what is considered the leading organ of the Liberal party. It certainly is beneath the character of any paper that aspires to the position of a leading organ in the country. It must have been inspired by the reporter of the paper who attended the committee; but even if the reporter has not discretion enough not to publish such an article, the editor should have certain supervision over everything that goes into its columns, and the Senate should not be subjected to commentaries of such a low and degrading character. I do not approve, however, of reporters being excluded from our committee rooms.

HON. MR. DEVER—It is quite clear that there is great diversity of opinion in this debate, and perhaps I may be permitted to make a few remarks that may throw a little light on the subject. With reference to that article that was read a minute ago by the hon. member from Niagara, when I look back to the occurrences that took place at a meeting of a certain committee of this House, I think there was some cause for the excitement and dissatisfaction that existed amongst the newspaper reporters, because while the evidence was being taken, some two or three gentlemen representing prominent newspapers happened to come into the committee room, and by order of the chairman of that committee they were peremptorily told to retire from the room. I happened to be present as a member of the House, not as a member of the committee, to hear the evidence. Immediately after the reporters had withdrawn from the room, a certain amount of disapproval was expressed by members sitting there, at excluding the press so peremptorily, and the consequence was that it was decided to admit the reporters, and a message was sent to them to that effect to the corridors. The decision of the committee was communicated to these gentlemen but they were evidently indignant at the offence that had been given them, and did not wish to return—in fact they felt so aggrieved and offended by the action of

certain members of the committee, that as gentlemen they could not consent to come back, but ultimately they were prevailed upon and did come back. I am quite aware that in consequence of the proceedings that took place on that occasion there was certainly a strong feeling roused against the Senate amongst journalists, who believed that the committee had no authority for the action that they had taken at that time. I think it is due to myself and to the House that this explantion should be given, and to say that there is some cause for the grievance that reporters have against the committee.

HON. MR. ODELL—According to the hon. gentleman's view, he wishes all reporters to be admitted, and the proceedings to be published in the newspapers.

HON. MR. DEVER—With reference to that I have nothing to say ; that is for the Senate to decide.

HON. MR. GOWAN—I think the best solution of the question has been offered in the resolution of the Minister of Justice. I do not at all understand my hon. friend the senior member from Halifax to put forward the view that every hon. member of this House is not entitled to see the evidence, and I feel with him that if it were possible to confine the printing of of the evidence to a few copies it would be well to do so ; but every hon. gentleman of this House, and every member of the Commons has a right to pass upon the evidence. It is perfectly true that the report of a committee is rarely questioned by the House. The committee had the opportunity of hearing the witnesses and of observing their demeanor, and it rarely happens that a decision arrived at by the committee is not maintained by the House. At the same time every hon. gentleman has a right to see the evidence, and it may not be convenient to refer to the few copies that are usually printed. Therefore I think that the resolution of the hon. Minister of Justice entirely meets the case, and puts it on a safe footing. Something must be entrusted to hon. gentlemen, that they being in possession of copies of the evidence will not allow them to go out to the public. I think we may trust to each hon. member of this House to keep for his own use the evidence which is necessary for him to determine the question when it comes up.

HON. MR. ALEXANDER—I do not rise to express any opinion as to the wisdom of the motion now under consideration. It is well known that I do not profess to be a partizan of either party. I do not certainly assume the responsibility of defending the organ of any political party, but I should like to look at the matter from a broad standpoint. Whether the article which has been referred to by the hon. member from Niagara appeared in the Ministerial organ, or the Opposition organ of Toronto, I should treat it exactly from the same standpoint. What we have to ask is, what is the prevailing custom in Divorce Courts in England? I am not thoroughly posted in regard to that, but I think in reading the London *Standard* or the *Morning Post*, or other leading organs of public opinion in England, we have often seen details of divorce cases which have been tried before the courts in England. I believe that public sentiment is in favor of the publication of some of these details, and no matter what diversity of views may exist with regard to such a practice, the public sentiment of England is in favor of having them to some extent made public. Now we have to inquire, is the Senate to be regarded as a Divorce Court? It certainly is, until a Divorce Court proper is established by the Government. This House is virtually a Divorce Court ; and we come then to inquire what is the public sentiment of the country in regard to this question. I myself individually have held the opinion for a long time that it is very detrimental to the cause of order and morality, the sending broadcast through the columns of the press the details of various crimes. I believe the very fact of relating the number of murders frequently impels people of weak minds to commit murder. The fact of hearing the details of people throwing themselves over precipices or under railway trains, medical men say has the effect of leading some people peculiarly constituted to destroy themselves. But, as Senators of the Dominion, we are only public servants here to represent the people of the country, and if the great body

of the people really believe that it is in the interest of society that the details of these divorce cases which come before the Senate should be made public through the press, then I question the wisdom of our refusing to conform with public opinion, because we may rely upon it public opinion is generally right. We individually may believe that public opinion is wrong but my experience of three score years and ten is that public opinion is generally right. With regard to my hon. friend's strictures on a certain political organ in Toronto, he cannot surely suppose that any editor would write an article of that character without feeling that he was reflecting public opinion. No man would be foolish enough to do so. I am quite sure that the general manager of the *Mail*, or *Globe* would never consent to any writer putting forward merely his own views, which do not reflect public sentiment, in editorial articles. Such a managing editor would not be fit for his position and whether we hold different views or not, I do not think the hon. member for Niagara is justified in expressing his indignation in such terms and pronouncing it a disgrace. Now, if that article is reflecting largely the public sentiment of Ontario, what disgrace could it be for that writer to publish it? The parties who publish it differ from him, but does he mean to say that they are doing a disgraceful act because they differ from him? They may be less enlightened or more enlightened than he is, but I do not think he is warranted in indulging in such a tirade of indignation against the editor of a leading newspaper as he has done.

Hon. Mr. FLINT—The article which has been read by the hon. member from Niagara I think should be treated in he same way that the Irishman treated the donkey when he kicked him. He turned round to resent it but seeing the quarter from which it came, he said he would say nothing about it. I should be very sorry indeed that such an article should be published in our official report. It was a disgrace to the paper in which it appeared, a disgrace to the man who wrote it, and would be a disgrace to our official report if we gave it publicity. If it should appear, when I receive my copies I will take my scissors and cut it out before circulating them. I have been on but one committee appointed to deal with a divorce case; and I believe that is the one which called forth that article. Acting for what we believed to have been the best, we excluded from the committee room all except the parties interested, the witnesses and the attorneys, and I think we were justified in doing so. The petitioner who came there was a young lady; she was accompanied by her father, a man who has been long in the employ of the Government of this country—a man I have known for over forty years—and I am sure, taking everything into consideration, there was nothing said or done there which could injure the feelings of the most fastidious lady if she had been present. There was nothing of the character described in that article. We went there for the purpose of obtaining evidence and reporting upon it. From beginning to end everything was conducted with the greatest propriety, and I must say, in justice to our chairman (Mr. Odell), who was very reluctant to take the chair, that he acted with the greatest prudence and caution with reference to this matter, and I believe the committee was unanimous in deciding that the lady should have her Bill; consequently I do not know what benefit or advantage the public would have derived by reporters being present. They could not publish the whole evidence; they could not have been there all the time, and consequently they could not have stated the case fully. This is the first case in which I have acted as a member of a committee, though I have had something to do with other cases, defending one or two. Taking it all together, I can say that there was nothing of an immoral tendency in the evidence in that case—nothing to offend the most delicate ears; and I think the article which has been read here should be buried in oblivion.

Hon. Mr. POWER—Before the question is put I wish to make an explanation. My hon. colleague when speaking a little while ago, used language which might lead to the impression that I was in the habit of attending these committees and listening to the evidence. I wish to say that I have not spent this session altogether

five minutes in the rooms where this evidence was being taken.

The motion was agreed to.

THE SPEAKER—I wish to understand whether it is the intention of the House, or rather of the French members of the Senate, that the suggestion thrown out by the hon. gentleman on the other side of the room should be adhered to—that the evidence need not be printed in French.

SEVERAL FRENCH MEMBERS—We do not want it.

HON. MR. PLUMB—The article in the *Globe* to which I referred, I read merely for the information of the House and not with any intention of placing it on record in the Official Report of the Debates.

THE TERRY DIVORCE BILL.

THIRD READING.

HON. MR. READ moved the third reading of Bill (E), "An Act for the relief of Fairy Emily Jane Terry." He said: The Committee to which the Bill was referred came to a unanimous conclusion that the divorce ought to be granted The evidence has been before the House for some time, and I therefore move the third reading of the Bill.

The motion was agreed to on a division and the Bill was then read the third time and passed.

CENSUS OF MANITOBA & NORTH WEST TERRITORIES BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (21), "An Act to provide for the taking of a census in the Province of Manitoba, the North-West Territories and the District of Keewatin."

The motion was agreed to, and the Bill was read the third time and passed.

BILL INTRODUCED.

Bill (L), "An Act to make further provision respecting summary proceedings before Justices and other Magistrates." —(Mr. Gowan.)

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Tuesday, March, 17th, 1885.

The SPEAKER took the Chair at three o'clock p. m.

Prayers and routine proceedings.

CANADA SOUTHERN & ERIE & NIAGARA RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs & Canals, reported Bill (9), "An Act respecting the Canada Southern Railway Co., and the Erie & Niagara Railway Co.," without amendment.

HON. MR. PLUMB moved that the said Bill be read the third time presently.

The motion was agreed to and the Bill was read the third time and passed.

RIVER ST. CLAIR RAILWAY BRIDGE & TUNNEL CO. BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (8), "An Act respecting the River St. Clair Railway Bridge and Tunnel Co.," without amendment.

HON. MR. PLUMB—This being a Bill simply for the extension of the time for the completion of the tunnel, I beg to move that it be read the third time presently.

The motion was agreed to and the Bill was read the third time and passed.

STANDING ORDERS AND PRIVATE BILLS COMMITTEE.

REPORTS PRESENTED.

HON. MR. READ, as acting chairman of the Committee on Standing Orders and Private Bills, presented their 13th, 14th and 15th reports.

HON. MR. PLUMB moved that the 14th report of the committee be adopted, and that in conformity with its recommendation the 49th rule be suspended in relation thereto.

The motion was agreed to.

THE SHORT LINE RAILWAY.

MOTION.

HON. MR. POWER moved :—

That an humble address be presented to His Excellency the Governor General praying that he will cause to be laid before this House, copies of the reports of the various surveys, made by engineers under the direction of the government, for a line of railway connecting Montreal with the harbors of St. John and Halifax by the shortest and best practicable route (including the reports of Messrs. A. L. Light and Vernon Smith on the lines surveyed by them, respectively, running up the valley of the Etchemin River and from Canterbury, New Brunswick, to the northern end of Chesuncook Lake, in the State of Maine) together with a statement showing the height of the summit level, the maximum grade per mile, the number of miles with a grade exceeding fifty-two feet, the average grade per mile, and the number and position of the curves with a less radius than nineteen hundred and ten feet, upon each of such surveyed lines, as well as upon any existing railways proposed to be used in connection with any such surveyed lines ; and also a detailed statement of the distances from Montreal to St. John and Halifax by each of such surveyed lines and the existing railways proposed to be used in connection therewith.

He said—the Subsidy Act which was passed by Parliament last year contained, amongst others, the following provision : that the Governor in Council might grant " for the construction of a line of railway " connecting Montreal with the harbors " of St. John and Halifax by the shortest " and best practicable route, after the " report of competent engineers, a subsi- " dy not exceeding $170,000 per annum " for fifteen years, or a guarantee of a like " sum for a like period as interest on the " bonds of the company undertaking the " work."

I do not think it necessary to read any more of the statute. Hon. gentlemen will observe that it provides a subsidy for the shortest and best practicable line from Montreal to St. John and Halifax, after the report of competent engineers. I think that there might have been some question as to the policy of the Government and Parliament of Canada aiding a line which is to be a rival to the Intercolonial Railway—a road owned and operated by the country—and if we were discussing that policy anew, I might be prepared to say something upon it ; but the policy has been decided upon and Parliament has granted a subsidy for a line which is to be a rival to the Intercolonial Railway ; and now I think it is clearly the duty of the Government in whose hands the power rests of selecting the line to be adopted, to select the best, the one which will best serve the interests of the country at large, and particularly the one which will most fully meet the requirements of the statute, and which will give the shortest and best practicable line from Montreal to the lower provinces. That was the object of the subsidy. Hon. gentlemen will remember the discussions which took place both in this House and in the House of Commons, and the agitation which was aroused in the cities of the Lower Provinces when they found that the Canadian Pacific Railway which was receiving such immense subsidies from Canada was taking steps to secure an outlet for its business in the city of Portland. The people of the Lower Provinces had got no benefit whatever from the construction of the Canadian Pacific Railway ; and they insisted that something should be done to enable them to share in some small degree in the benefits that other parts of the country were expected to receive from the construction of that work. The Government feeling the force of their representations, introduced into the Railway Subsidy Act of last year the provision which I have just read. I may be pardoned if I quote at some length from the speech delivered by the Minister of

Railways of that day in the House of Commons, last session. He said :

"A very strong feeling has grown up in the Maritime Provinces, and not only in the Maritime Provinces but throughout Canada, because, I believe, that from British Columbia down through the North-West Territories, through the Province of Ontario, and in the Province of Quebec, there has been a strong and general sentiment that this great inter-oceanic line of the Canadian Pacific Railway would be incomplete if we were obliged to have our Atlantic terminus in a foreign country. I believe that sentiment is not at all confined to the Province of Nova Scotia, or Prince Edward Island, or the Province of New Brunswick, but I believe it has taken just as deep a hold of the minds of our friends in the other provinces almost as it has in the Maritime Provinces. Although every effort has been made to render the operation of the Intercolonial Railway as successful as possible, although more has been accomplished in the development of the country, in the development of the trade and business of the country through the agency of the Intercolonial Railway than any person on either side of this House a few years ago supposed to be possible, still we have found we were too heavily handicapped by the distance, and that we could not—reluctantly as we were driven to the conclusion, we have been driven to the conclusion, by the force of circumstances and by the practical results, that it is impossible for the ports of St. John and Halifax to compete with the nearer ports of Portland and Boston, in the United States. Under these circumstances, the attention of the Government has been drawn, as I have said on one or two occasions before in this House, to the best means by which we ought to secure a realization of that which we all desire, the Atlantic terminus being in Canadian territory as well as the Pacific terminus, and thus be placed in a position to fairly compete for the great trans-continental trade and traffic that we all know must flow over that line. Although that may involve the necessity of passing for a certain portion of that line through a foreign country, we believe that even that is a comparatively insignificant point compared with the great importance of having the ocean ports both on the Pacific and Atlantic coasts within the borders of our own country, and using the trade and business of that great railway to build up great ports and points of communication for the traffic of the eastern and western world, for the purpose of practically extending the Canadian Pacific Railway from Montreal, its present terminus, to St. Andrew's, St. John, Halifax and Sydney."

Then the Minister went on to say that they had been driven to seek for the best means to meet the views of the public on this point, and he discussed the question of the subsidy.

After which he said :—

"I have stated the position in which this question stands from its national and larger point of view, and I believe I may confidently rely not only upon the kind support of our friends on this side of the House, for carrying out a measure which has been considered by the Government in all its aspects and in all its bearings, with a view to the promotion of the best interests of the country, but I believe I can rely with equal confidence upon the support of gentlemen opposite in carrying out what we all recognize as most important, making a complete line of communication through Canada, and enabling us to have the great ocean termini, on the Atlantic as well as on the Pacific, within our own borders. The result of this short line railway will be to bring the port of St. Andrew's, which is not only an admirable harbour, but the port of all the ports in Canada the nearest to Montreal, within 377 miles of Montreal, and I believe that it is only seventy-seven or seventy-eight miles further than it is from Montreal to Portland."

I need not trouble the House with any further extracts from the Minister's speech ; but he went on to use various arguments in favor of this subsidy.

The shortest line from Montreal to Moncton will be the shortest line to all Nova Scotia and Prince Edward Island, and the shortest line to the County of Westmoreland in New Brunswick. Moncton is the common point through which all the trade going by rail to Nova Scotia and Prince Edward Island has to pass, and it is the railway centre of the County of Westmoreland. I presume that hon. gentlemen have nearly all taken the trouble to look at the map with a view to seeing where this short line should run. Any hon. member who looks at the map will see that a straight line from Montreal to Moncton will pass close by Richmond in the Province of Quebec ; thence it will pass through the eastern portion of that province, and through the northern portion of the State of Maine ; and then close north of Fredericton—the capital of New Brunswick—and thence north of Grand Lake, to Moncton. Montreal, the point of departure for this road indicated in the statute, is in latitude 45½ degrees, and Fredericton and Moncton are both about 46 degrees ; so that hon. gentlemen will see that, if nothing stands in the way, there is no reason why the line should be deflected either north or south. It runs almost directly from west to east. Of course the closest ap-

proximation that we can get to this line will be clearly the shortest line from Montreal to Moncton, and will be the shortest line from Montreal to all points in Prince Edward Island and Nova Scotia; and if such a line be good and practicable, and if it is as short and good a line to St. John as any other, that is the route which should be selected. It fulfils the terms of the statute, and therefore is the line which should be adopted. From looking at the map I came to the conclusion some months ago, that this line—running nearly due east from Montreal—was that which ought to be selected, as being certainly the shortest line; provided there was no serious obstacle in the way of its construction; and I thought, if on inquiry—I presumed that a proper inquiry would be made—it was found there was no serious obstacle to the construction of the road by this line, that it was the one which should be selected by the Government. In the latter part of February I saw—as I presume most hon. gentlemen here saw—a letter in the Montreal *Star*, written by a Mr. Graham, of Richmond, in the Province of Quebec. It would appear from this letter that that gentleman had given a good deal of attention to the subject of the short line; and he made a very strong argument in favor of the route to which I have been referring, and stated very broadly that there was no serious obstacle in the way of the construction of this line; but that on the contrary a very favorable route for the railway could be found, adhering closely to the air line from Montreal to Moncton. This letter led me to inquire further into the matter; and I have used the best means that have come in my way of ascertaining the facts in connection with the different routes; and the inquiry has satisfied me, and I have some hope that I shall be able to satisfy the House that this line by Richmond or some point in the neighborhood would be, in the words of the statute, the shortest and best practicable from Montreal to St. John and Halifax. The other lines on behalf of which claims have been put forward may be reduced to four. The first one, in favor of which we have had some petitions recently presented to this House, is a line by Quebec and Rivière du Loup or Rivière Ouelle and Edmunston, N. B. I may say that the information I have received leads me to believe that the difficulties in the way of a route by the Rivière Ouelle are very considerable, and that the other line by Rivière du Loup, although a little longer is really a better and more practicable line than the one by Rivière Ouelle. I shall speak of this line as the Quebec and Edmunston line. The next line is one going by Quebec, and from Quebec across the State of Maine to a point on the St. John River, which point has been differently located at different times—it has never been put further north than Hartland, nor further south than Fredericton. As far as I can learn from what I have heard of the reports of engineers and others who have been over the line, the best route for this line from Quebec to Hartland, or to a point between Hartland and Fredericton, would be by the valley of the Etchemin River, which runs from the neighborhood of Point Levis almost to the border of the State of Maine. I shall speak of this as the Quebec and Etchemin line. Then another route, and probably the most formidable competitor the shortest line has, is a line by way of Lennoxville, Megantic, Moosehead Lake and Mattawamkeag, which I shall call the International Line. There is a modification of this line which, following an identical course to a point between Megantic and Moosehead Lakes, would then run to the northern end of Chesuncook Lake in Maine, and thence to Fredericton and Moncton by a line common to it and that which I advocate. This line I shall call the Compromise Line. Owing to its location, and as a matter of convenience, I shall designate the route which I advocate as the Central.

There are a number of elements that enter into the consideration of the route of the proposed railway. The first one which is mentioned by the statute is the element of length. I shall deal with that first. It must strike every one that the Central Line, being as I have indicated the nearest to a straight line, would be the shortest. The Quebec and Edmunston Line represents two sides of a triangle, one side being very much curved, of which the Central Line forms the base and the Quebec and Etchemin River Line also makes two sides of a triangle, one running up to Quebec and the other

running down to Hartland or Fredericton, of which the Central Line is the third side. In the case of the Quebec and Etchemin road the second side of the triangle is much shorter than in the case of the Quebec and Edmunston Line. The International represents the arc of a very irregular curve, of which the Central forms the chord. *Prima facie*, the Central route is the shortest. Let us take the measurements and see whether they verify our first impressions. Of course the figures which I submit are not accurate to the fraction of a mile, but they are fairly accurate. I am certain that there are none of them very much out of the way. I may remark before taking up the lengths of the different lines, that the air line from Montreal to Moncton would be 425 miles, very nearly; and I may add that the distance from Montreal to Moncton by the Grand Trunk and Intercolonial Railway is 670 miles, the distance to St. John 760 miles, and that in every case the distance to Halifax can be got by adding 187 to the figures given for Moncton. The distance from Montreal to Halifax is 857 miles. I shall give tables of the distances from Montreal to the lower provinces. By the Quebec and Edmunston Line they are as follows:

DISTANCES FROM MONTREAL BY QUEBEC AND EDMUNSTON LINE.

	Miles.
Montreal to Quebec by G. T. R. or N. Shore R	172
Quebec to Rivière du Loup by I.C.R.	116–288
Rivière du Loup to Edmunston (about)	75–363
Edmunston to Fredericton by N. B..	164–527
Fredericton to Moncton by Grand Lake	95–622
Montreal to Moncton	622
Montreal to Fredericton (as above)..	527
Fredericton to *St. John*	68–595
Or	
Montreal to Edmunston	363
Edmunston to Canterbury	141–504
Canterbury to Harvey (by 'cut off')...	27–531
Harvey to *St. John*	66–597
BY QUEBEC AND ETCHEMIN RIVER.	
Montreal to Quebec	172
Quebec to Fredericton (about)	240–412
Fredericton to *Moncton*	95–507
Montreal to Fredericton	412
Fredericton to *St. John*	68–480
Or	
Montreal to Quebec	172
Quebec to Canterbury, by Chesuncook Lake (about)	221–393
Canterbury to Harvey	27–420
Harvey to *St. John*	66–486
BY INTERNATIONAL.	
Montreal to Chambly Basin, by Lachine (about)	30
Chambly Basin to Marieville, by South Eastern	7–37
Marieville to Sherbrooke, by S. E. Extension	69–106
Sherbrooke to Lennoxville	3–109
Lennoxville to Maine Border, by International	81–190
Maine Border to Mattawamkeag	120–310
Mattawamkeag to Harvey	84–394
Harvey to Fredericton (about)	25–419
Fredericton to *Moncton*	95–514

Or, if the road from Harvey to Fredericton and thence to Moncton is not built

Montreal to Harvey	394
Harvey to St. John, by N. B	66–460
St. John to *Moncton*	89–549
Montreal to St. John	460
BY COMPROMISE ROUTE.	
Montreal to Maine Border	190
Border to N. End Chesuncook Lake (about)	60–250
Chesuncook Lake to Canterbury	111–361
Canterbury to Fredericton	40–401
Fredericton to *Moncton*	95–496
Montreal to Canterbury	361
Canterbury to *St. John*	93–454

Hon. gentleman will observe that that route is shorter to St. John than those which I have previously mentioned. The distances by the Central route, to whose advantages I am calling the attention of the House would be as follows:—

BY CENTRAL.	Miles.
Montreal, to Richmond by G. T. R..	76
Richmond to Maine Border	95–171
Maine Border to Chesuncook Lake..	50–221
Chesuncook Lake to Canterbury	111–332
Canterbury to Fredericton	40–372
Fredericton to Moncton	95–467
Montreal to *Moncton*	467
MONTREAL TO ST. JOHN.	
Montreal to Canterbury, as above...	332
Canterbury to *St. John*	93–425
FROM QUEBEC.	
To Chesuncook Lake, by Etchemin...	118
Chesuncook Lake to Canterbury...	111–229

	Miles.
Canterbury to Fredericton	40–269
Fredericton to *Moncton*	95–364
To St. John.	
Quebec to Canterbury, as above	229
Canterbury to *St. John*	93–322

SUMMARY OF DISTANCES.

Montreal to....	Moncton, By G.T.R. or N.S R. and I.C.R	Halifax, 670	St. John, 857	759
"	Quebec and Edmunston	622	809	595
"	Quebec and Etchemin	507	694	480
"	International	514	701	460
		549	736	
"	Compromise Route	496	683	454
"	Central	467	654	425
Quebec to.....	Moncton, By G.T.R. & I.C.R.	498	685	587
"	Quebec and Edmunston	450	637	423
"	Quebec and Etchemin	335	522	308
"	Central & Compromise	364	551	322

I shall give the House in round numbers, the savings in distance which would be effected by taking the Central. I shall put Moncton and Halifax together; because the saving would be the same in each case, and shall put St. John after:

SAVINGS IN DISTANCE IN ROUND FIGURES.

BY CENTRAL FROM MONTREAL

	To Moncton and Halifax	St. John
Less than by G.T.R. and I.C.R.	200	330
" " Quebec & Edm'ston.	155	170
" " " & Etchemin.	40	55
" " International	47	30
" " Compromise (all west of Chesuncook Lake)	30	30

FROM QUEBEC.

Less than by G.T.R. & I.C.R.	130	260
" " Quebec & Edm'ston.	100	100
Excess over Quebec & Etchemin (about)	30	15

I have reason to believe that the excess over the shortest practicable road from the Etchemin river to the St. John river would be almost nothing. We have to consider what the effect of these reductions would be. I shall not detain the House at any length upon that point, but briefly state the effect as regards passengers and freight. If the road can be built by this Central route with easy grades and without sharp curves, the journey for passengers from Halifax to Montreal or *vice versa* would be reduced from 36 or 40 hours to 24; the journey between St. John and Montreal would be reduced from 35 hours or thereabouts to about 15. Hon. gentlemen can see that that would be calculated very much to promote intercourse between the Upper and Lower Provinces. Then as to the effect of the reductions on freight; there would be the advantage of getting light freight, things required in a hurry, much more speedily than we can now, partly owing to the shortness of the line and partly owing to the competition, and there would be the reduction in cost. I have not, unfortunately, had the opportunity of making inquiries as to other kinds of freight; but I understand that it costs about half a cent a mile per ton, to carry coal. If that calculation is accurate, it will be seen that to carry a ton of coal from Moncton to Montreal would cost $1 less than it does at present, and the House must see that that would place the miners of the Lower Provinces in a much better position to compete with their United States rivals than they are at present. If you could take $1 a ton, or even 50 cents a ton, off the price of lower province coal in Montreal and the neighborhood, it would naturally tend to increase the consumption of that coal to a very considerable extent.

I commend that argument to my friends from the lower provinces and to all the National Policy members of the House. The general effect of a reduction in the length of the railway, and the advantages of it are so clear that I need not say any more about it.

HON. MR. KAULBACH—What would the distance be across the State of Maine, by the Chesuncook lake line?

HON. MR. POWER—About 160 miles.

In addition to the length of the road, we should always consider the summit level to be overcome by the railway; that is, the greatest height that it has to surmount; and also the gradients of the road and the number of sharp curves; and hon. gentlemen will notice that in my resolution I have asked for a statement to show what the gradients and curves of

these several proposed lines are. The value of any road which is intended either to transport mails and passengers and light freight speedily, or to carry heavy loads will depend very much on the summit, gradients and curves—almost as much as upon the length. There is not much definite information upon that point; but I find that Mr. O'Sullivan, a Quebec engineer, who has been interested in this matter, in a circular which no doubt all members of the House have received, says that the summit on the Quebec and Edmunston line is not less than 1,500 feet above tide. On the International line he says it is about 2,000 feet. I find in a letter written from the works of the International railway about the summit—written by a friend of the company—the height stated as 1,800 feet; so I have put it down as not less than 1,800 feet. The highest summit to be overcome on the Quebec and Etchemin river road line would be 1,200 feet, on the Central line not over 1,200 feet—I doubt if so much. So that there will be a difference in favor of this central road over the Quebec and Edmunston of 300 feet less elevation, and against the International railway of 600 feet.

Mr. O'Sullivan says, "It is given by engineering authorities that, on freight train movement, every 20 feet elevation is equal to an extra mile of level line, that each degree of curvature is equal to 0.05 per 100 feet of elevation, and that the resistance of curves is equal to 1 per cent. for each degree of curve occupied by train."

So that we have to add to the length of the Quebec and Edmunston line 15 miles for its excess of elevation, and to the International 30 miles, and when these additions are made it will give the Central line a still greater advantage over these two. The Central will then be 170 miles shorter to Moncton than the Edmunston, and 75 than the International, and 185 shorter to St. John than the former and 60 than the latter. The maximum gradient for each mile, as far as ascertained, would be, on the Quebec and Edmunston line, 52 to 80 feet, on the International railway 80 to 100 feet, and on the Central and Etchemin 40 to 60 feet. To quote from Mr. O'Sullivan again: "The importance of these figures will be appreciated when it is remembered that the heaviest class of freight engine now in use will haul 35 loaded cars up a grade of 52 feet per mile, whereas it could only haul 20 loaded cars up a grade of 80 feet per mile. So that supposing the freight on a car load of goods from Montreal to Halifax to be worth $40, the comparative earnings of a train, with the same expense for engine and train hands, wages and fuel would be: Via Lachine and Sherbrooke, 20 cars at $40, $800; via Quebec and Hartland, 35 cars at $40, $1,400." As far as I can gather, the curves would be much less on the Central road than on the Edmunston or the International. So hon. gentlemen can see that, at first sight, it would seem that in the matters of distances, of summit elevation, of gradients and of curves, this Central line is the best, and offers the greatest advantages.

If the House will permit me, I shall consider the advantages and drawbacks of those different lines somewhat more in detail. First there is the Quebec and Edmunston line. The claims made for this line are pushed with that energy and vigor with which the claims put forward by the friends of Quebec are always pressed. It is claimed that it would be all on Canadian soil. That is one thing that is claimed for it, and the other advantage claimed is that there would be but little new road to be built. I venture to think that there is not a great deal of weight in the first argument, that this road would be all on Canadian soil. It is a matter of some consequence whether the *termini* of the road are on our soil or not; but if the west end and the east end of the line are both on Canadian soil it makes very little difference in time of peace whether all of the intermediate road is on Canadian territory or not, provided the line is not to be tapped by railways in the foreign country. Now for military purposes and war time we have the Intercolonial Railway; and that road, owing to the substantial way in which it has been built, and to its comparatively low grades, and to the workmanlike way in which it has been located, is shorter for all practical purposes to Moncton and to all points below than this proposed Quebec and Edmunston line would be. I think, hon. gentlemen, that one Intercolonial Railway is enough. The argument of the late Minister of Rail-

ways, which I have read, is to that effect, and I presume in that respect at any rate I shall have the feeling of the Government with me. Most people think that we made a great mistake in building the Intercolonial Railway by the long route which we adopted. After so many years experience of the mistake, we surely cannot propose to repeat the blunder by building another and inferior Intercolonial Railway. As to the second argument, that little new road need be built, I do not think there is very much in that either. It would apparently involve the construction of only 75 miles, from Rivière du Loup to Edmunston, and 95 miles from Fredericton across to Moncton; but in reality it would involve a great deal more. Any hon. gentleman who is familiar with the character of the railway from Fredericton up to Edmunston knows that that road could not be used as a through freight or passenger line. The New Brunswick Railway, or at any rate the principal part of it, was originally built as a narrow gauge railway—a three feet six road. It was built as those roads usually are, with very sharp curves and very steep grades. I notice, looking at the time tables, that the express trains on that line do not make more than 15 miles an hour. That road, to be used for a through freight and passenger line, would have to be located over again, and very largely re-built and improved. The work to be done would be equivalent to not less than 100 miles of new road; so we should have, if we adopted this line, to construct about 270 miles of new road or its equivalent. The objections to this Quebec and Edmunston line, in addition to its length —to the fact that it is not in any sense a short line—are serious. It would open up almost no new country whatever. The only new country that it would develop would be a portion of the County of Temiscouata, in the Province of Quebec. I understand that there are some people in Kamouraska, L'Islet and other counties on this side of Temiscouata who are anxious that this route should be selected; but the fact that more freight trains passed over the line through those counties would not serve the inhabitants in the slightest degree, and the desire of those people for the selection of this line is based on a misapprehension.

Then a very important consideration is that the length of this Quebec and Edmunston road, and the steep grades and sharp curves which exist on the present New Brunswick line, would prevent traffic from adopting that route, and would tend to keep freight going as it does now to United States ports. I do not think we can ever prevent the great bulk of the freight going that way. A little does go to our Atlantic ports now; and, if we improve the facilities and shorten the distance to our own ports, we shall get a larger proportion of the freight; but if we adopt this Edmunston route we shall simply leave ourselves where we are now. There is no reason to suppose that a ton more of freight would pass over this road to our ports than goes now by the Intercolonial Railway. That is one great disadvantage of it—that in fact it is not a short line at all—that is the sum and substance of the objection. It would be of some little advantage to a portion of the Province of New Brunswick: but it would be practically of no advantage at all to the Provinces of Nova Scotia and Prince Edward Island. Such at least is my view about the matter. Of course it is only the view of an individual who is not supposed to know much about railways; but hon. gentlemen will have observed that this Quebec and Edmunston line has been emphatically condemned by the chambers of commerce of Halifax and St. John. Delegates from Quebec went down to get them to endorse this Quebec and Edmunston route, and in both cities it was condemned. In Halifax they wished to be kind to the strangers, and they said they hoped they would get a bridge over the St. Lawrence at Quebec. I sincerely hope so too; but I do not think it is wise to mix up the two things together. I think it is desirable that this link between Rivière du Loup and Edmunston should be built as a local road; and I may add that in that same statute from which I quoted just now there is a subsidy for this local road from Rivière du Loup or Rivière Ouelle to Edmunston, of $3,200 a mile; I rather think the promoters have a grant from the New Brunswick Legislature too, so that they will probably be able to construct this road, and whatever advantage is to be derived from it will be secured.

As to the second route which I spoke of, the Quebec & Etchemin river line, there is this to be said in its favor, that it is the shortest practicable route from Quebec to Halifax and St. John: the difference in length between it and the Central is almost inappreciable, but it has rather the advantage. Of course this road being much shorter from Montreal than the Quebec and Edmunston line, would not tend as much as that would to throw freight into United States ports. It might help a little to bring freight over our railways and to our harbors. It would not have the same tendency that the Edmunston and the International would, to throw business into the American ports, the former indirectly and the latter directly. The principal objection to this route is that it is considerably longer to Prince Edward Island and Nova Scotia, and to St. John too, than the Central. It is two sides of a triangle again. You run up from Montreal to Quebec, and then down from Quebec to Fredericton, or some place near there, instead of going across directly from Montreal to Fredericton. I may say here that some hon. gentlemen in discussing this question, are apt to leave out of sight the fact that the statute, under which these surveys have been made and this road is proposed to be built, provides for the shortest line from Montreal to the lower provinces—not from Quebec, not from Callendar, but from Montreal—and although I hope that in the future the expectations of our friends in Quebec city and that neighborhood may be realized, and that a new line of some 400 miles or so from Mackay or Callandar direct to Quebec will be constructed, and that a bridge will be built at Quebec; still at the present day the wealth of this country, and the business that passes from west to east does not justify that work, and for the present at all events, Montreal must be the commercial headquarters of Canada. What the people of the lower provinces want just now is the best possible connection with Montreal—the shortest and best. That is in the interests both of the people up here, and of the people down by the sea. I hope that in ten years or so the centre may have moved east towards Quebec.

The next route is the International. The advantages claimed for that are, first, that it is shorter than the lines by way of Quebec; and I notice that, in discussing this matter, writers in the newspapers, and speakers on platforms, and speakers in parliament, almost always speak as though there were only two lines—the International and the Edmunston lines. They take the two extremes—the one furthest south, and the one furthest north, and talk as though those were the only two which we are to consider, when the fact is, it is plain to any one who looks at the map, that *prima facie* at any rate, the line in the middle is the best. The advocates of the International line claim for it that it is shorter than the lines by Quebec. It is shorter than the Quebec and Edmunston line; and to St. John it is about 20 miles shorter than the road by Quebec and the Etchemin River, but it is about seven miles longer to Moncton than that line would be; and as I have said it is some 47 miles longer than the Central route to Moncton: while if we allowed for the excess of elevation it would be about 75 miles longer to that point, and 60 miles longer to St. John than the Central. I see it is claimed in the Montreal *Herald* that there is very little of this line to be built; that while other people are sleeping the International people are working. It is not true that there is very little to be built. In the first place a road has to be built from Quebec Gate Barracks, Montreal to Lachine; and a bridge has to be built across the river at Lachine. I presume that bridge will be built altogether independent of the short line; but at all events this road and bridge are yet to be built. That is some 15 miles; and then there are to be built about 15 miles from Lachine to Chambly basin; and from Marieville to Sherbrooke the new direct road which they propose to build would be about 69 miles; and there remain to be built in the State of Maine about 100 miles from the west side of Moosehead Lake to Mattawamkeag. If they went to Fredericton, as they propose to do, there would be 25 miles or thereabouts from Harvey to Fredericton, and 95 miles to Moncton, making altogether 319 miles. So far for the advantages of this line. The objections to this route are very serious. In the first place, it is 47 miles longer to Moncton and 30 longer to St. John than the Central; and hon. gentlemen will see that every mile

that is added—if the additional length is not compensated for by advantages in the way of gradients or curves—is very much against the road, and against its prospects, and every mile that you add to the length diminishes the advantage to places along the line, and at both ends. Then the new road from Marieville to Sherbrooke, would be giving a new railway to a district where there are already enough railways. There are now two railways from Montreal to Sherbrooke, and there are a number of railways running down through that part of the country, so that this new route would open up no new country in Canada at all. Another objection to it is that, for the reasons which have been partly given already—owing to its heavy grades and its short curves—it is altogether unfit for fast trains or through freight. To give hon. gentlemen some idea of the character of this road I might mention this fact, that from Lennoxville to the boundary of Maine, the distance by an air line is 60 miles, and the distance by this Megantic road is within a fraction of 82 miles. Now it is clear that that must be a very crooked road indeed; and it has to get up in that distance a good many hundred feet also, so that it is perfectly absurd to talk of carrying heavy freight over a line of that kind. Upon this point I may be allowed to quote again from Mr. O'Sullivan's paper :—

"It is evident that Line No. 3 (the International) traverses the highest summit between Montreal and the Atlantic seaboard, for as shown on the plan, the rivers Chaudiere, St. John, Penobscot, Kennebec, Andrascoggin and St. Francis, all take their rise in the region traversed by the International Railway and drain it in every direction.

The plan and profile of said railway shows at a glance that the great number of sharp curves and steep grades, render it impracticable for the through freight traffic of the great North-West."

A third serious objection to this road, arising out of its character, is that before getting to the border of Maine, while still in Canada, it would throw freight going from the interior to the seaboard, over to American lines. From Sherbrooke there are two lines running down into the United States—the Passumpsic, and another, and naturally freight would go over those roads, which are much superior to the International, in order to avoid the steep grades of that road. Then, supposing that a considerable proportion of the freight going to the seaboard did go on across the border of Maine by this road; the effect of adopting this route would be still to send that freight to the ports of the State of Maine. Since the beginning of this session the gentlemen who are promoting the International Railway got an amendment to their charter from the Maine Legislature. This amendment was to allow them to bridge Moosehead Lake instead of going around it. The charter was granted to this company only upon condition that they should built a branch from their present terminus west of Moosehead Lake to connect with the Bangor and Piscataquis Railway at Greenville, at the southern end of that lake. The people of Maine were wise in their generation. One can see what the effect of that connection would be. Before the road was finished so as to make the best connection with New Brunswick ports, this connection would be made with American ports. Bangor, which is an important port in Maine, would be over 100 miles nearer to the International at Moosehead Lake, than the city of St. John would be.

HON. MR. DEVER—Bangor is not a seaport.

HON. MR. POWER—It is a seaport in this way that large sea-going vessels go up there and load. I was just going to say—

HON. MR. DEVER—It is frozen over in winter.

HON. MR. POWER—Bangor is a large lumber port. I was not going to limit myself to Bangor; a very little distance down the river from the city of Bangor is Bucksport, and a little further down are Mt. Desert and Belfast, which are all good harbors. In order to show that the people of Maine are quite awake to the importance of this International road to their state, I may mention that I see from late papers that the Maine Central Railway Company are trying to negotiate with the Nova Scotia Government for the purpose of acquiring a railway in Nova Scotia which they propose to connect by steamers with Mt. Desert, and thence with Montreal by way of the International

Railway. I may add, that Portland would be as near to the International at Moosehead Lake as St. John, and by a better road, and that Wiscasset harbor would be nearer. Hon. gentlemen will see then, that after freight got into the State of Maine it would have the choice of Portland, Belfast, Bucksport, Bangor and these other ports in Maine, all, with the exception of Portland, nearer than St. John to Moosehead Lake. These Maine harbors are as a rule just as easily accessible at all seasons of the year as St. John. Any steamship owner would just as soon, or a little sooner, send a steamer from Liverpool to Portland than he would from Liverpool to St. John. It is clear that the freight from the interior to the seaboard, which got over into the State of Maine by this road—which had not been turned off before reaching the border—would in a great measure be deflected to ports in the State of Maine; and I must say that I think the people of St. John manifest a good deal of shortsightedness in their jealousy of Halifax, and that their dread of Halifax influence, and their jealousy of Halifax hinder them from seeing things as they really are. If they could perceive how things are, they would see that if this International route, which I understand is favored by the Board of Trade of St. John, was adopted they would be much more injured by the competition of those American ports than they could possible be by the competition of Halifax if the Central route were adopted. The thing is perfectly plain on the face of it. If the Central route was adopted, St. John would be 230 miles nearer Montreal than would Halifax; while, as already shown, if the International is adopted St. John will be more than 100 miles further off than Bangor and only 240 miles nearer than Halifax. If the Central route were selected, certain light freight might go to Halifax; but if the International were selected freight of all kinds would be sure to go to the ports of Maine. This is not a view which I am singular in holding; because this same thing was pointed out very clearly by a well-informed and practical correspondent writing to the St. John *Telegraph* over the signature of "B" in the summer of 1883. The International line would afford no useful connection with Quebec. That is a very serious objection to the adoption of that line which I commend to the gentlemen of the City and District of Quebec. It would afford no connection whatever with that city and would give no practical benefit to the Province of Quebec at all. It does not go near the City of Quebec, and could not in any way shorten the distance from Quebec to our Maritime ports: and if by and bye the hope of the people of Quebec is realised and the line is built from Mackey or Callendar, and the bridge is built at Quebec, this International road could have no share in the business. I think, considering the character and the probable future of this road, that the International has already received a sufficient subsidy from the Government of Canada. It has received some $150,000; and I may mention that that subsidy was included in the same statute as the one for the short line.

One cannot but feel, looking at the history of this question, that it would be a gross outrage on the people of the Lower Provinces to use the subsidy which was intended to bring the harbors of St. John and Halifax nearer to the business centre of the upper provinces, and to give them a larger proportion of the business that comes over the Canadian Pacific Railway—to use the subsidy intended to build a road for that purpose—to assist in building a road the effect of which would be to carry more business to the United States ports. This subsidy is being granted on account of the agitation in the lower provinces against allowing the business to go to Portland and Boston. And here are the Americans coming under this International disguise and asking to get this subsidy to build a railway which would practically have the same effect as the South Eastern or the Grand Trunk Railway, which would take the business down to American ports. The very name of the road indicates its object—the International—a road intended to do business between Canada and the United States.

HON. MR. DEVER—Are not all the railways international? Do they not all go through Maine?

HON. MR. POWER—They don't end in Maine.

HON. MR. DEVER—Neither does the International.

HON. MR. POWER—They do not connect with harbors in Maine. I feel that this International route would have no chance of being adopted were it not for the fact that a gentleman very prominent in politics, and a member of the Government, is supposed to be very deeply interested in that road. If it were not for that, no one would seriously propose to adopt that route for the short line. I hope that the Government will be equal to the occasion—that they will refuse to adopt this road until much stronger grounds appear for doing so than have yet been given.

As to the Central route, one objection often made to it is that it would involve the building of more new road than either of the others. It would involve the construction between Montreal and St. John of 283 miles of road as against about 200 by the Quebec and Edmunston line, about 250 by the Quebec and Etchemin line, and about 225 by the International. To Moncton the length of the new road to be built would be 349 miles as against about 270 by the Quebec and Edmunston road, 330 by the Quebec and Etchemin line and 320 by the International. On the other hand, it would be a line easier of construction and costing less per mile than any of the others. So that the cost of construction would not be appreciably greater than by the two former lines, and would be probably less than by the International. Another argument against it is that it passes through United States Territory. In this respect it resembles all the proposed lines except the line by Edmunston. The effect of its passing through the State of Maine would be to bring the business of northern Maine into Canada. The people of that region would have no connection with United States ports, and their business would come, as part of it comes now, to Quebec and part down to St. John. The advantages which I claim for the Central route, and which are claimed by gentlemen advocating it, are, first that it would give the shortest and best practicable route from Montreal to St John, Fredericton and Moncton, and would also give the shortest and best practicable route from Quebec to the same points, with the possible exception of the Quebec and Etchemin route. I have said that this would be the shortest and best practicable road. I have given the figures. As to the character of the road I have not official information, but I have quasi-official information got from gentlemen who have heard from those who made the survey; and I am informed that Mr. Vernon Smith's report of the survey from Canterbury to the north end of Chesuncook Lake will show that a line has been found between these points easy to build, with light grades and few curves. I am further informed that a very good and cheap line can be got from Richmond to the Abenakis pass or another pass at the Maine border; and there is no reason to expect that any difficulty will be found between the border and Chesuncook Lake. I am also reliably informed that an easy connection can be made at that lake with the line from Quebec up the valley of the Etchemin River surveyed by Mr. Light.

Besides giving the shortest and best line to St. John and Moncton, the Central route would give needed railway facilities to the counties of Richmond, Megantic, Beauce and Dorchester in Quebec, and York, Sunbury, Kings, Queens and Albert in New Brunswick; would give them the shortest possible road to Montreal and Ontario, and aid largely in the development of those valuable portions of the Dominion.

By the construction of only twelve miles from L'Avenir, and thirty from Arthabaska it would put Sorel and Three Rivers in connection by the shortest route with our seaboard and all intermediate points, while by the building of some thirty miles from the present terminus of the Levis and Kennebec railway near St. Francois it would give Quebec a like connection, somewhat inferior it is true to that which would be afforded by the Etchemin Valley. I may add that there is now a subsidy of $3,200 per mile for the construction of this line from the present terminus of the Levis and Kennebec to the boundary. It would make northern Maine, a fine lumbering and agricultural country, tributary to Quebec and St. John, and would cause the lumber and farm produce of, and the supplies for that country, to go and come to and from Canadian ports, instead of making use of Canadian business to build up United States ports, as would be done

by the International. The writer in the St. John *Telegraph*, to whom I have already referred, says, "What the interests of St. John port require is the shortest possible trunk line and feeders that will command the largest amount of trade." That is true not only of St. John, but also of Halifax and other ports, and in my opinion the Central route will give these desirable advantages. I may add another argument, which I think should have a good deal of weight with the House; that is that Sir Charles Tupper, in the speech which he made at Halifax last spring, just before leaving for England, recommended the Central line to the favorable consideration of his hearers, and said he thought that the people of St. John were standing in their own light in advocating a line by Mattawamkeag. This Central line would increase the through traffic between the upper and lower provinces, and give to the lower province ports a larger proportion than they now get of the freight from the interior to the seaboard, and would build up inter-provincial trade; and it would also develop a good local business. It would open up a valuable country in Quebec, in Maine, and in New Brunswick; and it is the only route of all those that have been spoken of which I think would recommend itself to a practical business man who wanted to build such a road as a business enterprise, and not for political or sentimental reasons. We have had too many of these unbusinesslike undertakings; and I hope that this time we shall have a businesslike one. I feel certain, if this short line, so called, is built by any other route than the Central, that after some years we shall have to build the shortest line — the Central one. If I have not convinced hon. gentlemen who have listened to me that the line which I advocate is the best, I think I have at least shown that there is a great deal to be said for it. I am satisfied myself that it is the best, and I think any gentleman, no matter how opposed to this road he may be, must admit that there are strong arguments in its favor. It seems, under these circumstances, a wonderful thing that, when, early last summer, the Government were sending out engineers to make surveys for the shortest and best practicable route from Montreal to St. John and Halifax, while they sent out eight engineers to survey different routes, no engineer was sent to survey this one. It is something that I cannot understand. Mr. Smith made a survey of the eastern end of the route from Canterbury to Chesuncook Lake, and found a good line; but no survey has been made in anything like a direct line from Chesuncook Lake to Montreal. An engineer did make a survey to meet Mr. Smith's, but that engineer started from the end of the International road; and I may say that from Chesuncook Lake to Montreal by this Compromise route, which is the one on which the survey has been made, is over 250 miles, and by the Central route it is only 221 miles. So there is a difference of 30 miles in favor of the Central route as against the International; and how it is that no engineer was sent to make a survey of the short line I cannot really understand. I hope, hon. gentlemen, that the Government will see that engineers are sent out to make a survey of that route from Chesuncook Lake to Richmond or Montreal. Hon. gentlemen may say "Well, you will lose time." What we want to get is the best line; and it would be better to lose a few months than to make a great blunder, whose effects would be serious and lasting.

The Compromise route of which I have spoken is longer than the Central. It is identical with it from Chesuncook Lake east. It is 30 or 40 miles longer from Montreal to Chesuncook Lake than the line by the Central route would be, and the gradients are much steeper, and the line generally is a much inferior one; but, if there is any reason that we know nothing about why the Government feel that they are bound to choose the International so far as it goes; why then I hope that, if they will not take the Central route, they will take the Compromise line, and connect the present terminus of the International with the north end of Chesuncook Lake. One effect of adopting the Compromise line would be to accommodate the City of Quebec. It would give the City of Quebec by the Etchemin River about the best line it could get to the lower provinces; and it would also give a Canadian outlet for the lumber and farm produce of northern Maine, and a short line to Moncton; because it would not pass south of Fredericton. Any line

that goes south of Fredericton cannot be as short a line to Moncton as one that goes north. It would also be less liable to be tapped for the benefit of Maine harbors than the International.

I am sure I have trespassed on the patience of the House at too great length; but the subject with which I have had to deal, and which I have not dealt with in a way that is satisfactory to myself, is a very important one; and I hope that, although it has not been put before the House or brought to the attention of the Government as forcibly and effectively as it ought to be, the Government will give the matter their attention—that they will see that the people both east and west get fair play; and that if the Central route is the best line, that that line shall be adopted, and that we shall have for once a railway built honestly and on sound commercial principles.

HON. MR. BELLEROSE—I must say that this question is an exceedingly important one probably the most important one that the Government of the day will have to decide this year. For the last ten or fifteen years there has been an engagement on the part of the Government and Parliament of Canada, that the large sum of money which the construction of the Canadian Pacific Railway would involve, would be expended for establishing a great international artery which would run from the Atlantic to the Pacific. That engagement having been entered into, we should endeavor to carry it out effectually, and for that reason the line should be constructed as far as possible on our own territory. We have built a road north of Lake Superior at a very heavy cost, probably as heavy as the cost of that section crossing the Rocky Mountain Range. It is for Parliament to solve the question of constructing a national highway which will at the same time be a good commercial road. Already we have really a national line, and we might probably dispense with making a new road from ocean to ocean exclusively on Canadian soil. It is not an absolute necessity; but what we have to look at is the promise that has been made, and we should endeavor to fulfil it at as small an outlay as possible. The present eastern terminus of the Canadian Pacific Railway is at Montreal, and it is for Parliament to say by what route it shall be extended further eastward. On the north shore of the St. Lawrence 150 miles of railway is already in existence, and no public money need be expended upon that; because, although a political crime was committed in the sale of the North Shore road by the Quebec Legislature, yet there is in the contract of sale a clause which provides that the Canadian Pacific Railway may run its trains to Quebec by paying a tariff, which the Government is authorized to establish. Owing to the heavy tariff, the Canadian Pacific Railway have been prevented hitherto from running their trains to Quebec, but the Government have power to establish fair rates under the contract of sale. I know it is said that there are difficulties in the way, and I am not surprised, because wherever a lawyer puts his hand difficulties are created; but while difficulties may exist, there is no reason why they should be allowed to continue, because Parliament possesses power to amend the law by stating that the clause under which the difficulty arises is to be understood in a certain way, and the amendment can be effectually made now when the Legislature of Quebec and the Parliament of the Dominion are both in session. There is nothing, therefore, to prevent the Canadian Pacific Railway from reaching Quebec by the existing line. I would hold the Government guilty of wrong-doing if they should do what rumor says they are asked to do, namely to give $5,000,000 for a road which was sold for $4,000,000 not long ago. Providing that the Canadian Pacific Railway use the road, it is no matter whether it is their property, or the property of the Dominion Government, or the property of another company, if they can carry the freight from the west to Quebec. They can, therefore, reach Quebec without any further expenditure and the money which would otherwise be expended in the construction of a road might be put into a bridge over the St. Lawrence at Quebec. The bridge would not cost so much as the road. It would cost probably $3,000,000, whereas the line could not be built for less than $4,000,000 or $5,000,000. We would then have a national highway from ocean to ocean by the Intercolonial and the Canadian Pacific Railways. I admit that

it would not be a commercial line except in the summer season, when it would possess great advantages over Portland; but in the winter season Portland would probably be the seaport. I am opposed to that because I believe, after building a national highway at the enormous expenditure of $150,000,000, that the terminus of that line should by all means be not only on paper, but in effect, at a Canadian seaport. That may be accomplished by constructing a line from Quebec to Moncton. Now that would afford one of the shortest practicable roads on Canadian soil—or rather almost all on Canadian soil, because for a short distance it would run through the State of Maine. The objection is, not to a portion of the line being in a foreign country, but to the carrying of our freight to a foreign seaport. By constructing the line which I have suggested, the freight from the west would find its way to Quebec in the summer season, and a portion of it to Halifax and St. John, and in the winter season St. John and Halifax would get the whole of the freight from the west. I do not see how any objection can be taken to that line. If I understood the hon. member from Halifax aright he said he would be in favor of a line from Montreal to Halifax, and St. John and St. Andrews by way of Sherbrooke. I believe that would be a bad choice, and for this reason, it would pass so near Portland that that city would be the nearest seaport to our national highway, and would attract our western traffic. If Parliament wished to establish a still shorter line than the one which I have just indicated, the shortest of all lines from the west to the seaboard could be secured by building a line from Lachute to Quebec. That line could be constructed for between $3,000,000 and $3,500,000, and it would not only be the shortest practicable route, but it would be still more favorable to our own seaports because it would pass about fifty miles north of Montreal, and would secure to Quebec in summer and Halifax in winter the bulk of the western traffic. The project is one which deserves the careful consideration of the Government and of Parliament, but I hope there will be no necessity to expend three or four millions of dollars on this line; I hope that the Government will see their way to forcing the North Shore to allow the Canadian Pacific Railway to reach Quebec over their line, and thus save that large amount which could be more properly expended on the construction of a bridge over the St. Lawrence at Quebec and the building of the section to connect Rivière du Loup with Edmunston. I am sure the Government will give proper attention to the matter, and that they will see that the best road in the interests of Canada will be adopted. I know that there are very conflicting opinions on the subject, but with so strong a Government as we have in power at the present time, there should be no difficulty in the way of doing what is right. I regret that I cannot agree with the hon. member from Halifax, and I am sure if he looks into the matter more closely, he will see that Parliament and the Government are committed to the construction of quite a different line from that which he has advocated.

HON. MR. TRUDEL—I do not intend to enter into the merits of this question now. I merely rise to call the attention of the House to a simple fact. The hon. member from Halifax has dwelt upon the importance in these matters of being guided by the reports and opinions of specialists—men versed in railway construction—and he holds that their advice alone should be followed. Up to the present time there has been but one report before the public—the report of Mr. O'Sullivan, from which my hon. friend quoted. I think it would be better to wait until all the reports upon the surveys for a short line are laid before the public. Mr. O'Sullivan speaks of three different lines: the one by Edmunston, which he calls No. 1, the one by Moncton which runs 112 miles of its length through American territory, and a third by Lake Megantic which runs for 180 miles through the State of Maine. Mr. O'Sullivan makes what, in my opinion, is a very proper remark and a matter of common sense when he says that in such matters the length of the road is not the only question to be considered, but that the curves and grades are also important elements; and he does not hesitate to say that the curves are so sharp and the grades so steep on the line which has been advocated by the hon. gentleman

from Halifax, that it would not be wise to adopt it.

HON. MR POWER—Mr. O'Sullivan never mentions the line I have spoken of.

HON. MR. TRUDEL—He mentions the locality.

HON. MR. POWER—Excuse me; I am quite familiar with Mr. O'Sullivan's report; he does not refer to it at all; he makes comparisons with the International road.

HON. MR. TRUDEL—I think if my hon. friend will look more carefully at Mr. O'Sullivan's report, he will find that mention is made of the height of the mountains which would have to be crossed.

HON. MR. POWER—By the International?

HON. MR. TRUDEL—He speaks of the heights to be crossed passing through Maine as great obstacles. As the hon. gentleman himself says the road which he advocates has not been surveyed.

HON. MR. POWER—Part of it had not been surveyed.

HON. MR. TRUDEL—The hon. gentleman said it was the only one of the routes which had not been surveyed by the Government. I imagine that it would be a waste of time, without an official report before us, to discuss details, but I will call attention to the fact that Mr. O'Sullivan, who is a surveyor of large experience and great ability, and whose position as superintendent of surveyors in the Province of Quebec establish his high reputation amongst the members of his profession in the province, does not hesitate to say that the difficulty of the grades and curves is such that it presents no advantages over the northern road, so that the difficulties to which we are exposed in carrying a line across the State of Maine, practically makes the line which the hon. gentleman advocates no shorter than the one through Canadian territory. As he very properly remarks these difficulties as to curves and grades on a road which would carry the trade of the west through a foreign country are so great, that it would not permit trains to carry one-half as much freight as they should, and it would be practically using Canadian money to build in a foreign country a road which would be of no practical use to Canada. Under the circumstances, recognizing the fact that this question of the shortest route is one which can only be decided by practical men, and that we have but one report before us yet and that favoring a line by Edmunston, passing through Canadian territory exclusively, we ought not to come to a conclusion before having the superiority of other routes clearly established by professional men.

HON. MR. BAILLARGEON—I am not familiar with the route which has been advocated, but I concur in what has been said by the hon. gentleman on my right (Mr. Bellerose) that this is a question of very great importance to the whole Dominion, and one in which the Province and City of Quebec are peculiarly interested. It is a question which has been discussed for some time past by the press and the members representing our provinces, but I think that we ought to wait for the report of the engineers who made the surveys of the various routes before entering into the consideration of a question of such importance. We should have some reliable information on these matters before attempting to decide against a route which is exclusively within our own territory. It was understood at the time the Province of Quebec constructed the North Shore Railway and it has ever since been understood, that it would form a connecting link between the Canadian Pacific Railway and the Intercolonial Railway. The Government have expended an enormous sum in the construction of the Pacific Railway and in building the Intercolonial, and the country has a right to expect all the advantages which can be derived from its outlay. After what has been said by my hon. friend on my right (Mr. Bellerose) that the Canadian Pacific Railway has a right to run over the North Shore line to reach the City of Quebec, I do not see the necessity of constructing another line from Lachute to Quebec. The Canadian Pacific Railway having right of way over the North Shore, what remains to be done? To build a bridge across the St. Lawrence at Quebec to connect the

North Shore with the Intercolonial Railway. Although we have not all the facts before us, yet I think we are warranted in saying that the route which lies altogether within our own territory is the one which would be of the greatest advantage to Canada—it would at all events make us more independent. It would be a great pity if our traffic from the west should go to a winter seaport in a foreign country such as Portland or Boston. We should keep our own trade from the west to ourselves and derive some benefit from the enormous sums which we have expended in the construction of a transcontinental highway. Quebec affords many facilities for a summer port. Large docks have been constructed there by the Harbour Commissioners. We have a magnificent harbour, and in a short time we will have a graving dock in which large steamers can be repaired. For these reasons, therefore, I believe it would be well to bring the traffic coming by the Canadian Pacific Railway from the west down to Quebec and keep it entirely within our own territory.

Hon. Mr. ALEXANDER—We all know the difficulties which surround this question of selection of the route for the Canadian Pacific Railway from Montreal eastward to the seaboard. My own views are pretty well known as to the policy of rushing such a colossal work from ocean to ocean with such speed. My views are that the Government are about bringing on the country a burden which I hope may not be found to be too heavy for the Dominion to bear. With regard to the construction of the road east of Montreal, we have first to consider what the country can really afford to construct, and secondly the reasons which ought to weigh most heavily with the Government in the selection of such route. We have to study how we can do entire justice to the Province of Quebec, and to our valuable Maritime Provinces, because we cannot forget, that they are responsibly bound for their share of the enormous debts thrown upon this Dominion by the present Government; and any of us who live in portions of the Dominion distant from the Province of Quebec and the Maritime Provinces cannot perhaps thorougly understand the claims of those respective provinces. We are not likely to enter with that justice and liberality into the views of the population of those provinces who share that responsibility, and who of course must be alive to their own interests. From the limited information which I possess of the Province of Quebec, and of the City of Quebec where I have spent a portion of my time, I think that the Government should study how they can do entire justice to the oldest province of the British possessions and to the City of Quebec, the oldest historic city, which is one of the finest ports for sea-going vessels in the world. I am aware, from having resided in that city occasionally, that its trade has been very much withdrawn, and that with all its great capabilities as a port for sea-going vessels, its commerce has fallen off to a very great extent, and I think it ought to be the study of the Government, which ought to take a paternal interest in all the cities of the country, to see that they all receive even-handed justice at the hands of Parliament. It is our duty and it ought to be our pleasure, to protect all the cities in every part of Canada, that we may see an equal state of prosperity existing over all. I think it would be a sad mistake, if in the course which the Government now pursues, or may in the future pursue, they do not do their very best to see that a large share of the freight and passenger traffic going over the Canadian Pacific Railway should reach the City of Quebec, as a port more favorably placed for ocean going vessels than any other to be found on this continent. Montreal is a city of great enterprise and has become very wealthy from the fact of its having secured the lion's share of the trade of the Dominion. We are obliged to spend annually a large amount of public money in dredging Lake St. Peter to enable the Allan steamers and other large vessels to carry their cargoes up the St. Lawrence to Montreal. Now Quebec has this superior position to Montreal that vessels of any tonnage can come there with perfect safety except during the winter, and I have always felt, and I feel it more strongly every day, that, however the trade of the City of Quebec may appear to languish at this moment, Quebec must eventually become an important shipping port of the Dominion. With all the ostensible

superiority of Montreal and its enterprise, I feel confident that Quebec, with a harbor of such depth, and with such commercial advantages, must in the future become a much more prosperous city than it is now; and it should be our pleasure and our pride to facilitate a portion of the trade of our great North-West finding its way to that shipping port, where we are doing no injustice to any other part of the Dominion. Perhaps this is not the proper moment to go into the subject more fully, but I am quite sure that unless the Government of the day exercise great discretion and pursue a disinterested course, irrespective of all private interests and all political considerations—unless they pursue a statesmanlike, upright, just course to the Maritime Provinces and the Province of Quebec, they may be the means of laying the foundation of a widespread discontent which may bring about results that none of us desire to see.

HON. MR. KAULBACH—I am with my hon. friend (Mr. Baillargeon) so far as this, that until all the reports come down, and we have the returns of the engineers who have gone out to survey the different routes, we can hardly be prepared to express an opinion on this matter. As for the City of Halifax, I do not agree with my hon. friend (Mr. Power) that the Chamber of Commerce of that city has expressed a formal opinion on this question. I think the City of Halifax is at the present time quite uncertain on the subject. They want the best and most direct route they can get, all things con sidered, but as to where that route should be, I think they are still in doubt. If they could be sure of a bridge at Quebec I think they would rather prefer that route to any other but without the bridge at Quebec, a road up to Point Levis or Rivière du Loup would be useless to Halifax. Notwithstanding all that has been said in favor of the more southern routes, I have a great objection to going through the State of Maine, if we can avoid it. By way of Edmunston, at all events, you would have very little more road to build, and it would be on Canadian territory. There is a great deal to be said in favor of that route. You cannot build a straight line from Montreal by way of Richmond without bringing your road nearer to Portland.

HON. MR. POWER—Not at all.

HON. MR. KAULBACH—Every mile you go from Montreal eastward brings you nearer and increases the facilities of carrying trade to Portland.

HON. MR. POWER—The hon. gentleman is altogether wrong.

HON. MR. KAULBACH—My hon. friend may think so, but if he looks at the map he will see that you cannot build a road from Montreal eastward without that result. Montreal is situated four degrees west of Portland, and in travelling eastward from Montreal you must approach nearer to Portland, and thereby increase the facilities for carrying trade to that port. There is a great objection therefore to going through the State of Maine, if we can only get over the trouble of the bridge at Quebec. I think the whole of the provinces are interested in this question. We should not consult the interests of St. John or Halifax alone, but we should endeavor to promote the commerce of the whole Dominion. The question should be very carefully considered. There has been a great cry in this House, in which my hon. friend (Mr. Power) himself joined, about encouraging trade to Portland. He objected strongly to the legislation of last session and the session before on that very ground, and there was a cry raised against members from Nova Scotia who voted for a road that would aid the Grand Trunk Railway and Maine railways. Although I am not committed to any particular route, I hope the Government will delay their decision until they have all the information available on the subject before them. Still I am disposed to think that if by any means that bridge could be built at Quebec, in the interests of the whole of the provinces we should construct our railway altogether upon Canadian soil.

HON. MR. POWER—I must confess I am a little surprised at the remarks which have fallen from the hon. member from Lunenburg. He undertook to tell us that Halifax had not pronounced an opinion

on this matter. The truth is that delegates went down from Quebec and asked the Halifax people to join them in advocating the construction of this Quebec and Edmunston line; and the people of Halifax refused. They said "We want the shortest line to Montreal," and yet my hon. friend after that says, while he does not know which is the best line, that it is the route by Edmunston the people of Halifax want.

HON. MR. KAULBACH—I did not say that.

HON. MR. POWER—My hon. friend shows his want of familiarity with the whole business in every sentence that he has uttered. It is true that the line commonly known as Pope's Line, which goes down into the State of Maine by Moosehead Lake, does afford easy and close connections with Portland, and other American ports, but a line going directly east from Montreal—east and a little north by Richmond, and the north end of Chesuncook Lake, through the northern portion of Maine—gives no opportunities east of Richmond for connection with Portland at all, because the high land in the central portion of Maine cuts that route off completely from the ports in Maine; and that is the shortest and most direct line. My hon. friends opposite have talked about building a road from somewhere up west to Montreal and Quebec, and a bridge at Quebec. I think it is an unfortunate thing that the advocates of Quebec have mixed up things which really have nothing to do with one another. This subsidy was given, as I have said, chiefly to the lower provinces. It was to make the shortest practicable connection between the Maritime Provinces and Montreal.

HON. MR. KAULBACH—Not with over 100 miles of it built in the State of Maine.

HON. MR. POWER—It will make that portion of Maine tributary to Canada and not Canada tributary to Maine, as would be the case with the other line. Why should this bridge at Quebec be mixed up with it? The subsidy has no connection whatever with that enterprise. I hope the people of Quebec may get a bridge if it is going to do them any good. I do not believe myself that they will derive much benefit from a bridge situated four miles above the city. The traffic crossing it would be between points east and points west of Quebec, and I fail to see what benefit Quebec would derive from its construction. The hon. member from Lunenburg seems to see, with that clearness of vision which is peculiar to him, that it will have the effect of building up not only Quebec but the lower provinces. But I cannot see that for the life of me. Hon gentlemen talk about compelling business to go here and go there; you cannot deal with trade that way. Trade will follow its natural channels. It is absurd to talk of turning off the traffic at Lachute or any other place and sending it to Quebec. Unless trade wants to find its way to Quebec you cannot make it go there.

HON. MR. KAULBACH—Or to Halifax.

HON. MR. POWER—No, you cannot make it go to Halifax either. As it is now there are so many outlets it will find the best and cheapest route. There is first a road from Callandar down to Toronto. Then there is the Canadian Pacific Railway to Brockville, then there are roads from Montreal to Portland and Boston and other lines, all of which afford outlets to United States ports. If you lengthen the road at the eastern end, you send the business down by one of these cut-offs to American ports. The only way to get a larger proportion of business to go over the roads to our own ports is to make the line as short as possible; but the people of Quebec want to make it long and that is practically to force business to go by another way. I do not think myself that we are ever going to get a large proportion of that business. The bulk of it will go to American ports as a matter of course, but give us the shortest road we can get, and we shall secure a fair proportion of it. I think it is unfortunate that in connection with this short line which is the only thing that the lower provinces expected to get out of this whole Canadian Pacific Railway business, other people should have stepped in to

head us off and to prevent us getting that trifling benefit for all our large expendi- of money. Let the bridge business and the road from Callandar to Quebec stand on their own merits, but let us in the Maritime Provinces have what Parliament decided last year and the year before that we should get.

HON. MR. KAULBACH—My hon. friend will see by Mr. O'Sullivan's plan that the distance from Montreal to Halifax is 700 miles, by way of Quebec—the shortest route.

HON. MR. BAILLARGEON—I agree that the best line should be selected, and I think it would be obtained by building the bridge at Quebec. It is as much in the interest of Halifax as of Quebec that that route should be adopted, because it is clear if Quebec becomes the summer terminus of the Canadian Pacific Railway, Halifax will be the winter terminus, as we all wish it to be.

HON. SIR ALEX. CAMPBELL—I am sure my hon. friend in moving this Address did not imagine that I, as representing the Government would go into the question?

HON. MR. POWER—No.

HON. SIR ALEX. CAMPBELL—With reference to the papers they will be brought down as far as possible. We have the surveys and some of the information which he asks for, and we will bring down a statement of the maximum grades. I am told that a statement of the curves will be more difficult to furnish, but so far as we have got the information, the returns for which he asks will be brought down.

The motion was agreed to.

The Senate adjourned at 6 o'clock.

THE SENATE.

Ottawa, Wednesday, March 18th, 1885.

The SPEAKER took the Chair at three o'clock

Prayers and routine proceedings.

FEDERAL BANK OF CANADA BILL.

THIRD READING.

HON. MR. PLUMB, from the Select Committee on Banking and Commerce, reported Bill (10) "An Act to reduce the capital stock of the Federal Bank of Canada, and for other purposes," without amendment.

He said: As there was no amendment made in the committee to this Bill, I move that it be read the third time presently.

The motion was agreed to, and the Bill was read the third time and passed.

BILLS INTRODUCED.

Bill (59), "An Act to incorporate the Brantford, Waterloo & Lake Erie Railway Co'y." (Mr. Plumb).

Bill (51), "An Act for granting certain powers to the International Coal Co'y (limited)."

THE LATE SENATOR BENSON.

MOTION TO ADJOURN.

HON. SIR ALEX. CAMPBELL—I believe we are through with the motions, and would now proceed to the orders of the day under ordinary circumstances, but since the House met last we have lost one of the most respected members of the House by death. It has not been our custom, during late years at all events, to adjourn in connection with deaths which occurred during the vacation, but where death has visited us during the sitting of the House it has been the custom to adjourn out of respect to the departed member. In this case we have to deplore the loss of Mr. Benson, whose familiar face will no longer be seen amongst us. Mr. Benson was elected to the Legislative Council of Canada, if I remember right, before the Union, although he never took his seat there. At the first election which occurred after Confederation, I think Mr. Benson was returned to the House of Commons, and afterwards, within a year or so, he was appointed to a seat in the Senate, and has been a member of this House ever since. Mr. Benson was a

man of sterling sense, whose advice and judgment were sound and good and valuable, and he rendered constant service to the House upon committees, although he took no prominent part in debate; but his conduct here and his intercourse with us had endeared him to all of us very much, and we all unite, I am sure, in deploring his loss. It has occurred at a good old age, when he was surrounded with "honor, love, obedience, troops of friends," I believe, in his own part of the country and here. His is the common fate to which we must all submit. Happily for him, he departed, as I understand, without pain and suffering, and we are here to mourn his sudden death, and to imitate, I hope, the example which he set to all who knew him. I move that out of respect to the memory of Mr. Benson this House do now adjourn.

HON. MR. SCOTT—I am sure that the expressions of regret which have fallen from the lips of the leader of the House meet an echo in the mind of every Senator who is present. Mr. Benson was such a kind, genial man that he won his way to the esteem and affection of every one with whom he was associated. I have had the pleasure of knowing him for a very long period; and to know him was to entertain the warmest feelings towards him. He was a man who made no enemies, and his kindly manner and generous character won him the esteem and respect of all. I deeply sympathize with his family in their loss, and I beg to second the motion of my hon. friend opposite

HON. MR. FLINT—I wish to pay a tribute to the memory of my hon. friend who has departed from amongst us. I have known him for over fifty-five years intimately. We were great friends, and only the day before yesterday, in conversation with him while he was sitting in his chair here, I said "Mr. Benson I can hardly tell which of us two will go first, we are so old." He said "No, we cannot tell which of us will go first, but I trust we shall go well." I believe he was a Christian at heart; I believe he was a sterling good man at heart, and all through life, during the fifty-five years of my acquaintance with him, I have never known anything to be said against his moral or religious character, I regret as much as any member of this House can that his demise has taken place. We must all feel that the hon. gentleman discharged his duty as faithfully as he possibly could considering the ill-health he has been laboring under for the last two years. I am sure we all feel regret at his loss.

HON. MR. PLUMB—As a near neighbor of the deceased gentleman, I can hardly permit the Senate to adjourn without saying a few words which I wish to go on record as indicative of my great esteem for him, and of my regret at his loss. Coming from the same district in which I live, I have had occasion to meet him frequently. I have known him well in this House, in which his seat next to mine is now vacant, and I knew him well before I came to the Senate. As the leader of the Government has said, his amiable character and gentle disposition endeared him to us all. Such sudden summonses as this are among the sad occasions and occurrences which must gradually become familiar to us in an assembly like this, largely composed of men past the meridian of life, to whom the shadows lengthen as the day declines. My hon. friend has left us as he desired to leave us—left us while fulfilling the duties which he assumed here immediately after Confederation. He has discharged unobtrusively, but I think faithfully and well, according to his ability, those duties, and he has left behind him an honorable record which we must all admire and I am sure which we would all desire to emulate. I think that the feeling among us all is that of great regret that one of the oldest and most respected members of this House has been removed from among his collegues. I am happy to believe, as I have learned to-day from his friends with whom I had communication, that he died without suffering, and that, at the last moment, there was a return of consciousness from the coma into which he was thrown at his first attack that he recognized the friends who were around him, and that he seemed to be fully prepared for the great change. His friends have suffered a most serious loss and I am sure that there is in this House a universal sympathy for them in their bereavement.

The motion was agreed to.

The Senate adjourned at 5 p.m.

THE SENATE.

Ottawa, Thursday, March 19th, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

TIDAL OBSERVATIONS.

PETITION.

HON. MR. DICKEY—I have been asked to present a petition of some considerable importance to the Maritime Provinces as well as to the Dominion at large. It is a petition of the officers and members of the Royal Society of Canada, praying that such action may be taken by the Parliament of Canada as may secure the taking of tidal observations on the coast of the Dominion for the practical benefit of navigation, and in the interest of science. As this petition relates to a matter of public importance, which has received the imprimatur of the British Association for the Advancement of Science, at their memorable gathering in Montreal last summer, I trust that there will be no objection to its being read at the table.

The petition was thereupon read by the Clerk, and received.

INTERNATIONAL COAL COMPANY'S BILL.

PLACED ON THE ORDERS OF THE DAY.

HON. MR. OGILVIE—I have to apologize to the House for not having attended to a Bill which I should have taken charge of yesterday, when it came up from the Commons. I was in the United States at the time and could not be here, and the Bill was laid on the table. I beg leave now to move that the Bill (51) "An Act for granting certain powers to the International Coal Company (Limited)," brought up from the House of Commons yesterday, be placed on the orders of the day for second reading tomorrow.

The motion was agreed to.

BILLS INTRODUCED.

Bill (M) "An Act respecting proof of entries in books of Account kept by officers of the Crown." (Sir Alex. Campbell.)

SENATOR POIRIER.

HON. SIR ALEX. CAMPBELL moved :—

That the Honorable Mr. Poirier be added to the Joint Committee of both Houses on the Library of Parliament; and also to the Committee on Standing Orders and Private Bills.

The motion was agreed to.

REAL PROPERTY, NORTH-WEST TERRITORIES TRANSFER BILL.

IN COMMITTEE.

The House again resolved itself into a Committee of the Whole on Blll (A) "An Act respecting the transfer of Real Property in the North-West Territories."

In the Committee,

HON. SIR ALEX. CAMPBELL—When the committee rose last, I went over the various clauses which it seemed to me the committee desired should stand, and I have marked them in my copy of the Bill. I took occasion also to ask some hon. gentlemen who took an active part in the debate to give me a list that they considered stood in that position, and I found that the lists agreed almost entirely, and where they did not agree I adopted the larger one so as to allow all to stand that anyone thought required further consideration. I think it was also understood when the committee rose last that the principle of giving the Torrens system to the North-West Territory was adopted, and the questions of detail only remained, so far as regards that system. There are some provisions in the Bill which do not necessarily belong to the Torrens system but which, nevertheless, have to be disposed of, and now stand for the opinion of the committee. Amongst these is clause 5 which provides that all lands shall be dealt with as chattels real, and shall go to the executor or administrator of any person dying seized or possessed thereof

Now with reference to that clause I can, in a few words, present my view to the committee, and I should hope that after hon. members have expressed their views on this and other clauses we may go on and dispose of them according to the opinion of the committee, and possibly make some considerable progress with the measure. The estate, upon the person dying stands in his name, of course, upon the registry books, and some provision must be made for the next stage of the title. The provision in this Act is that the court shall appoint some person. That is mixed up with this clause although there is another clause dealing with it. The whole scope of the Bill is to deal with lands as chattels,—to deal with lands freely and quickly. Gentlemen, from Ontario, at all events, know that it is a very common thing to provide that the real estate belonging to a person who is making his will shall be treated as a real chattel. I do not see myself that the change makes any great difference. The land remains *terra firma* whether we call it a chattel, or real estate. That it shall go to an executor or administrator is, I think, convenient under the Torrens system, inasmuch as it must go to somebody, either to an administrator or an executor, or to a person to be named by the court. If you take the last case, there is some expense necessarily incurred and there is no guarantee that the person so appointed is more trustworthy than an executor would be. In fact, I think the executor would be better, because if a person appoints an executor to carry out his will it shows that he, at all events, has confidence in the person he names; so it seems to me that it is better to deal with it in that way than to treat the land as real estate and allow it to go to some person to take the position of the heir or the devisee until he gets the land. So in my judgment that is a clause which is more convenient than any other which could be suggested. The plan in British Columbia is, I think, the same—the land goes to the executor or administrator. Under Mr. Mowat's Bill, in Ontario it is proposed that the Master of Titles shall name a person to whom it shall go. I am rather joining, in my mind, this clause with a subsequent one which requires that the executor shall be entered in the register as owner in the interim. I think they ought to be joined together because this is a part of the whole scheme of the Bill. I move that the clause stand part of the Bill.

HON. MR. PLUMB—I would ask the hon. gentleman if, under the ordinary system, the title would not vest in the heirs without the intervention of an administrator or executor?

HON. SIR ALEX. CAMPBELL—Yes, under the present system.

HON. MR. PLUMB—I see no reason why the title should be taken from the persons to whom the estate belongs, and put in the hands of any person intermediary, either an executor who may be chosen by the devisor, who may be recreant to his trust, or to an administrator who may be chosen without the intervention of the person who makes the will. If it could be managed in such a way as to save the persons who are the legitimate owners of the property from the consequences of mal-administration of the trust, it seems to me we would be taking a step in the right direction and affording protection to those whom we ought to protect, infants and others incapable of acting for themselves. That is to my mind on of the serious objections to this whole system. I have heard no argument yet in favor of this radical change—that is, no important argument—except that it quiets titles and saves the expenses of search, and also does away with the cumbrous English system of dealing with real estate. We are not now, and we have not been under the English system for some time. The Ontario system is the one in force in the North-West at the present time, a system which is understood by the people, and is quite in conformity with all our laws and usages, and the practice of our courts. Now, the objection has been raised that we cannot, under the prevailing system, avoid the expense of a search, and in order to avoid the necessity of a search—because that is really the point—we are striking at the whole system of transferring real estate. We are making real estate a chattel, and we provide that there shall be an absolute transfer from every holder to the next holder, and that there

shall be no going behind that. It seems to me that legal ingenuity should be able to devise a system by which a search, once made, may be registered and held to be absolute as to the property to which it relates. Certainly it would not be a greater departure from the ordinary rule than a Bill of this kind. I express my opinion about the Bill with some hesitation because I am not a lawyer; but as this system is mainly the invention of a gentleman who was not a lawyer, I suppose we may all look at it from the standpoint of laymen. Stress is also laid on the fact that the adoption of this Bill will largely relieve those who wish to make transfers of land from the necessity of obtaining legal advice. Well, the argument in favor of the Bill has been very largely represented by a gentleman who is the author of a pamphlet I hold in my hand—a gentleman largely connected with loans on real estate. It is perfectly natural from his standpoint that there should be no risk about the titles he takes, and that he should desire to make it possible for him, or those he represents, to come into possession of land if the loans are in default, in the easiest possible way. Therefore, we must accept his statement *cum grano salis*—as the statement of a person who is directly interested in facilitating some kind af legislation like this which is before us to-day.

HON. SIR ALEX. CAMPBELL—The principle of the Bill, I thought we had adopted, and we agreed that we should only discuss these items of detail. I have mentioned the object of this clause, and it seems to me that we shall not save time by entering into a discussion of the whole Bill again.

HON. MR. PLUMB—My hon. friend will see that this particular section is one of the cardinal points of the whole system.

HON. SIR ALEX. CAMPELL—Oh, no.

HON. MR. PLUMB—It seems so to me. It has been urged that the adoption of this system will save expense to those who are engaged in dealings in real estate and passing it from hand to hand. Now, I would call the hon. gentleman's attention to a statement on this point in this very pamphlet before me. In order to bring the legal profession into harmony with the gentleman's desire to have this Bill become law, he tells them that so far as the experience of the Australian colonies is concerned, lawyers have done better since the system was adopted than they did before.

HON.. MR. DICKEY—I do not profess to argue the principle of this Bill at all, and I am the more inclined to take that course, whatever my private opinion may be, from the fact that with regard to this particular clause 5, I distinctly understood the leader of the House to say, when the question upon that clause was raised before, that it was not an essential part of the Bill.

HON. SIR ALEX. CAMPBELL—I did say so.

HON. MR. DICKEY—I am very glad to find that my recollection was correct, because although I do not agree altogether with my hon. friend who has just sat down with regard to his objections, I confess I share very much with him the feeling of surprise that a Bill which is intended to simplify the transfer of real estate is encumbered by so many provisions that, I fear, it will make confusion worse confounded. I shall therefore say nothing about the principle of the Bill; but with regard to this particular clause, upon thinking it over, I am of opinion that the weight of argument is altogether against it. I do not see the necessity of such a provision, which will itself help to make confusion if it is introduced into a Bill of this kind. I think it would be far better to have this eliminated from the Bill, and the clauses which depend upon it, and let the Bill go as regards other portions of the arrangement that is proposed to be introduced into the North-West Territories, and not embarrass the measure by these. Land is declared here to be simply a chattel real. In the first place that upsets all our previous notions with regard to land, and it is very difficult to tell how far it will interfere with the construction of any question which depends upon the po nt, what is land and what is not; but there is a more serious objection than that

to it, because this provision, if it goes into effect, will inevitably lead to very serious expense and inconvenience to all parties concerned. Now it is declared here absolutely that lands are a chattel real; that the persons to whom these lands are devised shall have no title to them at all until he derives that title from the executor or administrator. It therefore becomes absolutely necessary before that man to whom the land is given shall get a title that there shall be probate taken out, or letters of administration. Look at the unnecessary expense which this will entail on the transfers of land! I can speak on that point with some confidence and familiarity, because I was for many years a judge of probate connected with the settlement of estates. Why in the name of common sense is it necessary that when a man desires to give a piece of land to his son or daughter, or divide it among his children, that he should resort to this roundabout way of carrying it out? Why not allow a man to make a will to transfer his property to his children without going through the process of calling in some intermediate party? I can speak of my own county, which is very much further advanced in the way of property than the North-West at present is at all events; and I know that with regard to at least half the estates of the county the people content themselves with making either a deed to their children or a will giving the property to their sons; and there is no probate taken of that unless it is necessary to collect debts or for other purposes of that kind. It is a simple matter; the man makes his will and his son goes into possession of his estate; and that is the end of it. Why should not that simple process be carried out in the North-West? Why should you, in a country like that, in the name of making things easy, simple and inexpensive, place this additional encumbrance in the way of acquiring titles to land? I feel that it is an argument that is very difficult to answer, and I do hope that my hon. friend the Minister who has charge of this Bill will be impressed with it; because it will really furnish a very strong argument for the agitation against the Bill. While we are endeavoring to make things as simple and as easily carried out as possible, I think it is not desirable to introduce into a Bill of this kind an element which can only have the effect of making it distasteful to the people of the North-West. They desire to have the same safeguards in transferring their property that a man has in the older provinces—that is, the right to make a will and to say to whom their land shall go Let the will be the title to the land without going to the unnecessary cost of having a probate and having letters of administration made out at an enormous expense to the estate, for which somebody must pay. I do not see any necessity for it, and I do hope that my hon. friend, as he is kind enough to tell us that I was quite correct in assuming it was no essential part of the measure, will consent to let that clause go.

HON. MR. SCOTT—Having spoken so fully on this Bill at the former stage I do not propose to repeat any observations that I then made; but I will call attention, by way of illustration, to what occurs very frequently. Take the case of a man who owns lots 1, 2 and 3 and has three children to whom he wants to leave his property. He cannot make a will giving one to each, because his object is entirely defeated by this clause. If he does not make the will, but dies intestate, at present the land would be divided equally among his children, assuming they are minor children. I speak of a case which occurs, as every lawyer knows, very frequently; a man dies intestate leaving a number of minor children; his widow marries again. Now under this Bill she is the one—of course she is the only representative who is of age—who is entitled to take out letters of administration, and under this Bill the property would become absolutely hers. Now I ask you do you not offer a premium to the second husband to make ducks and drakes of the property?

HON. SIR ALEX. CAMPBELL—She becomes merely the channel through which to convey the property.

HON. MR. SCOTT—She can deal with it as the absolute owner.

HON. SIR ALEX. CAMPBELL—No, because anyone can stop her by a caveat.

HON. MR. SCOTT—It would be necessary to apply to a court, and who is

to look after the interests of the minor children?

HON. SIR ALEX. CAMPBELL—Any one who is concerned for them.

HON. MR. SCOTT—We find in our every day experience that minor children are generally left to the care of the court.

HON. SIR ALEX. CAMPBELL—Supposing it was £10,000 of bank stock—that would go to the executor.

HON. MR. SCOTT—The court would compel the executrix to give security that the property should be distributed properly.

HON. SIR ALEX. CAMPBELL—So it would here. The law would compel her to provide security.

HON. MR. SCOTT—Under this measure?

HON. SIR ALEX. CAMPBELL—Yes, because this land would become the same as any other chattel, and the law which requires her to give security for the due administration of the estate would apply to this, the same as to bank stock.

HON. MR SCOTT—Assuming that the property is willed in a particular way, she would be entitled to come in and take that property herself, wholly irrespective of the trust created, and might hold it for life. She would get it absolutely. It seems to me that point has never been explained, because the general features of the Bill require that a person *pro tem.* holding the property in a representative character takes it absolutely, and that it is only in the event of danger of the person holding that property conveying it to some person else that an application can be made to the court. The representative for the time being is the absolute owner. There is where I find the danger, that a person holding a property may convey it away and defeat the object of the will.

HON. MR. GOWAN—Before the widow is in a position to act as administratrix she must give security for the faithful administration of the trust.

HON. MR. PLUMB—Supposing she is an executrix, she does not give security.

HON. MR. VIDAL—I should like to ask the Minister of Justice if clause five is found in the law as it has been in operation in Australia for a number of years, or is it a new feature of the Bill?

HON. SIR ALEX. CAMPBELL—It is found in one or two colonies, but not in all of them, and it is not found in the law of British Columbia, but it is presented in Mr. Mowat's new Bill.

HON. MR. POWER—I quite agree with the hon. members from Cumberland and Ottawa, and I must express my surprise that, after the almost universal expression of feeling, one who is generally so conservative as the Minister of Justice is, and who is so slow as he is to depart from the example of England, should persist in making this sweeping change where, as he admits himself, it is not an essential part of his measure at all. I do not see why you cannot introduce the Torrens system without overturning the system of dealing with property which has been in vogue in all the provinces. The people have taken up to the North West with them the Ontario law, and I think we ought to leave them that law and allow them to distribute the property of a deceased person according to the system with which they are familiar. If they want this change by and by, they have a sort of representative government up there and they can effect it; but I think the Government ought to be satisfied to give them the Torrens system and let the other stand.

HON. MR. KAULBACH—I was trying to persuade myself that it was essential to the proper working of this Bill that it should contain this clause. In the first place I opposed this clause during the debate on this principle of the Bill, but I thought it was essential to its working, so as to leave no doubt as to how the title stands in consequence of the owner dying intestate; that there should be some means by which the title should reach the record. But if it is not essential for that purpose I am much opposed to changing the present order of passing the title to real estate, and calling real estate a chattel.

HON. MR. ALEXANDER—The other day when I had the honor of addressing this House, I expressed a view which I think is a very sound one, that we ought to endeavor in legislating for any part of the Dominion to assimilate the laws with respect to real estate. As to the assertion that the lands are now of little value in the North-West, that is no argument at all in favor of adopting such a clause as this, to declare that real estate shall be held as common chattels. I remember the time in the early settlement of this country when lands that are now selling for $100 an acre could be purchased for $2.50 an acre—a smaller price than that obtaining in the North-West at present. Why are we including in this statute a clause so different from the statutes governing all the lands of the Dominion?

HON. SIR ALEX. CAMPBELL—I think it lamentable that an hon. gentleman should stand up an discuss a measure of this kind, and not know that it is impossible for the Parliament of Canada to deal with the laws regulating the lands of the various provinces of the Dominion. If the hon. gentleman knows anything he must know that that cannot be done by us; that the law of real estate is a subject with which the local legislatures alone can deal.

HON. MR. ALEXANDER—I am referring to the future.

HON. SIR ALEX. CAMPBELL—In the future and in the past.

HON. MR. ALEXANDER—With regard to the future government of the Dominion lands.

HON. SIR ALEX. CAMPBELL—The law of the Dominion of Canada has nothing to do with real estate, and the hon. gentleman should know that the only reason that this Bill is before us at all is because it is dealing with land in the territories, and not in a province. After the various opinions expressed by hon. gentlemen—except that of the hon. gentleman who spoke last—I would ask the committee to postpone the consideration of this clause for the present, and I will endeavor to shape the Bill so that no inconvenience will result from omitting this clause.

The clause was allowed to stand.

On the 7th clause,

HON. SIR ALEX. CAMPBELL—I think we shall have to allow this clause to stand until we deal with clause 5, as it is very difficult to arrange the machinery of the Bill without adopting such a clause One of the principal features of the measure is the carrying on of the chain of titles. It is necessary now, before you buy a lot of land, that your conveyancer should be satisfied as to every link in the chain of titles from the patent from the Crown down to the last transfer, and the great object of this is to avoid all that trouble and to take the title from the last transfer. In all these Bills it is necessary to insert some provision to meet the case of a title from the deceased owner. Somebody else must be registered as his representative as the owner of the land, and different plans are adopted in different places. In one it is provided that the Master of Titles shall name this person, and in others it is provided that the executor or administrator of the deceased person shall take the title. It seems to me that it is safer to adopt the provision that is here, because in the case of the executor you have the security that he is the personal representative of the deceased, and in the case of the administrator you have the security that he is the representative appointed by the court.

HON. MR. DICKEY—I should like, as the Minister is going to consider the matter, that all that may apply to cases of intestacy; but this covers the question of a will. It is said that it is necessary to have some document on record; why should not a will when registered carry the same force as a deed?

HON. SIR ALEX. CAMPBELL—Supposing that in the will there is a devise to two or three people; then you want some person to carry the title for these people. You cannot do it otherwise; you must have some person to carry the title as owner under this system, in the meantime, until these persons become entitled

to their land. I am fortified in that opinion by finding in all the laws on the subject that there is some provision of this kind.

HON. MR. PLUMB—That is the weak point of the Bill.

HON. MR. SCOTT—If A, the testator, is the owner under this system, and he made a will devising say to three of his children, the will would entitle them to a certificate from the registrar without any roundabout conveyancing from any representative. If that will is registered it speaks for itself just as much as the assignment.

HON. SIR ALEX. CAMPBELL—Just in that simple case I should say yes; but where you find in the legislation of the different colonies that some system of this kind is universal, then it shows, at all events, that in some cases that have not suggested themselves to us, there must be some necessity for or convenience in that plan, or we should not find it so general.

HON. MR. DICKEY—But in the caes of a will to three persons, there must be some provision to divide it among them; and the same objection would apply to an ordinary deed to two or three or four persons, but there is no objection to that. There is no provision in the Bill which prevents that being done, and why should a different rule be applied to a will?

HON. MR. KAULBACH—There may be a difference in this—suppose the will taxes the land with certain legacies or charges.

HON. SIR ALEX. CAMPBELL—Yes, suppose a case such as that put by the hon. gentleman from Lunenburg, some provision of the kind would be necessary to carry on the title.

HON. MR. TRUDEL—I would call the attention of the hon. Minister to this fact, that the principle which is objected to by the hon. gentleman opposite is not a good one; the system in force in our province is a great deal more simple. In the case which is mentioned, supposing there is a clause in the will which provides that three hundred pounds shall be paid to so and so, why should we not have the will registered. Then the registration of the will would create a lien in favor of the grantee of the £300. That would involve but one registration of the will. Under this system it will be necessary to appoint an administrator. That will create unnecessarily a fiction of law which puts a man in a place which is not really his true position. He is represented as the proprietor of the property, though he is not the proprietor; while on the contrary, if there are three heirs, or three legatees, then they are joint proprietors of this immovable, and there is this mortgage debt against them. By the registration of the will, the position is as clear as it would be by the passing of half a dozen titles.

The clause was allowed to stand.

On the 8th clause.

HON. MR. TRUDEL—There is an objection to this clause. This will not prevent any party from creating what we call in our province a *dower prefix*, a gift of a certain sum in which the wife shall have a life interest.

HON. MR. DICKEY—This will not interfere with that principle. This applies to the common law right of dower.

HON. MR. SCOTT—With regard to this question of dower, I would like to have the sense of the House on it, and I give notice that on the third reading of the Bill I will move to strike out that clause.

On the 11th clause,

HON. SIR ALEX. CAMPBELL—This clause respecting conveyance by husband to wife or *vice versa* makes no difference in the North-West, except that the intervention of the trustee is done away with. They can transfer title now through the intervention of a trustee. I move that the clause stand part of the Bill.

HON. MR. TRUDEL—I give notice that on the third reading of the Bill I will move to strike out this clause.

HON. MR. POWER—I think this is one of the most objectionable clauses in

the Bill. It provides no guard or protection whatever for the wife against the influence of her husband. A man may marry a woman who owns property simply for the purpose of getting hold of her property. He brings his influence to bear on her and compels her to transfer her property to him and then he may desert her. On the other hand, a man owns property, and he gets into debt and the only means he has to satisfy the claims of his creditors is his land; under this Bill he can, without any notice or ceremony, transfer his property to his wife, and his creditors have no recourse. I think this is an exceedingly objectionable provision, and I suggested when we were considering this Bill before, that if it was provided where a woman deeded her property to her husband that there should be an acknowledgement such as is now used, that she had executed the deed of her own will, without any threat or compulsion on the part of her husband, that that would diminish the objection to it.

HON. MR. KAULBACH—I made the same objection myself to this clause, and I thought the Minister of Justice had added a provision that a woman should not convey to her husband.

HON. SIR ALEX. CAMPBELL—No; it was not adopted.

HON. MR. KAULBACH—Then I must take the same objection to the clause as that raised by my hon. friend from Halifax. The deed from a wife to her husband should be guarded. It will be found that very often the wife, for peace's sake, will be tempted to give a deed of her property to her husband, and when a man can, simply by a stroke of a pen, get a title to his wife's property transferred to himself, there is danger of the woman's rights being interfered with. A man may wish to provide for his daughter and her children, and may will his property to her, and under the provisions of this Bill she is likely to be influenced by her husband to transfer the title to him.

HON. SIR ALEX. CAMPBELL—I do not join with my hon. friend in the view he takes of the matter. The object of the clause is simply to do away with the intervention of the trustee. Such transfers can be made now, with the intervention of a trustee. As a general rule wives are as able to take care of their own property as husbands are. Has my hon. friend ever known a case in which a magistrate succeeded in frightening a wife and stopping the transfer of property when she wanted to transfer it? I have never known of it in my experience. It is a mere form. The wife goes to a magistrate, and she is asked "Do you make this transfer through fear or coercion?" And the woman never says that she does. I think it is far better to make it easy, and to allow the wife to transfer her property without any intervention.

HON. MR. KAULBACH—I know a case in which a woman came before me acting in my capacity as magistrate, to transfer her property, and from the way she spoke I was satisfied she was acting under coercion; she would not admit that she made the transfer without coercion.

HON. MR. GOWAN—Thousands of cases have come before me in my capacity as judge, and I do not remember at this moment a single case in which any objection was made.

HON. MR. POWER—My hon. friend will see this, if the wife objects to execute the paper, she declines to make an acknowledgement, and consequently would not have to appear before the judge.

HON. MR. O'DONOHOE—It seems to me that the object of the clause is to some extent misunderstood. At present a wife may convey to her husband, but she is driven to a circuitous mode of doing it. She agrees to convey to her husband, but in order to do that she must convey to A, and A conveys to the husband. Why should she be put to that inconvenience? The object of this clause is simply to get rid of the expense and inconvenience. I can understand a great difference between that conveyance and one requiring her to go before a magistrate. This is simply to get rid of superfluous and expensive conveyancing; she is allowed to do that directly and cheaply, which our mode of conveyancing would allow her to do circuitously and expensively; therefore I

think if there is any clause in the Bill that we should gladly pass, it is this one simplifying the mode of conveyance, which does away with the necessity of two sets of deeds, two sets of registrations, and two bills of costs instead of one.

HON. MR. KAULBACH—It is for her protection.

HON. MR. O'DONOHOE—It is no protection.

HON. MR. KAULBACH—It is, in this way—that this circuitous mode of transfer requires that the wife should declare that she makes the transfer of her own accord, and without compulsion, and in that way it is a protection against the husband coercing her to part with her property. If the husband knows that before he can get the deed she must make that acknowledgment, he may be deterred from using undue influence. We know how far the criminal law goes in providing that a wife is not liable for certain crimes done under compulsion exercised by her husband That principle should be adopted in this case to protect a wife from having her property taken from her under compulsion by an improvident and profligate husband.

HON. MR. TRUDEL—I would respectfully ask if we are here to do the best we can, or to adopt the system in operation in Ontario? I think all the conveniences which are mentioned by my hon. friend on the other side will not exist under a system which permits the wife to sell to the husband or the husband to the wife. I think it is not a proper system. Treatises have been written on this subject, and I think the principle is admitted in most civilized countries of the world that the wife cannot sell to her husband. If the reply is that it is otherwise in Ontario, or the North West Territories, it seems to me the question arises whether it is right or wrong, and even though the principle is recognized in some parts of the Dominion, if we consider it wrong we should change it. Then, with regard to clause 13, the gentlemen from Ontario say that they can see no objection to it, but to my mind there are so many objections to it that I cannot conceive how we can sanction such legislation as that. In my opinion there are hundreds of difficulties in connection with it apart from those I have mentioned.

HON. MR. DICKEY—I do not wish to discuss a matter which has already been so thoroughly debated, but I should like to call the attention of the Minister of Justice to the position in which this Bill will be placed if all these clauses remain; I wish, in other words, to call his attention to clause 11, in connection with clause 5. Clause 5 enacts that all lands shall be chattels real. Very well, if that clause passes, clause 11 is quite unnecessary.

HON. SIR ALEX. CAMPBELL—Oh no.

HON. MR. DICKEY—I say oh yes. If lands are chattels, surely the wife can dispose of them to the husband, and he can transfer chattels to his wife.

HON. SIR ALEX. CAMPBELL—That does not follow—not with reference to chattels real.

HON. MR. GOWAN—It must be evidenced by a deed.

HON. MR. DICKEY—It has only occurred to me this moment whether those two provisions would not be conflicting, or at all events one of them unnecessary. Then with regard to the 13th clause, if that clause passed there would be no necessity for the 11th. I confess I was impressed with that view myself, but I understand the Minister of Justice to say no, that the 11th would still be necessary. Why if the wife is treated as a *femme sole*, and has all the powers of a *femme sole*, should there be any necessity for the 11th clause? I think it would be well to consider the whole framework of these clauses together to see how much is necessary and how much unnecessary.

HON. SIR ALEX. CAMPBELL—I am very much obliged to my hon. friend for the suggestion. When I bring up clauses 5 and 7 again, in case it should be necessary to make any alterations in the 11th and 13th clauses I will propose to the committee to do so. In the meantime if the hon. member from DeSalaberry wishes

it, we might take the opinion of the committee on clause 11.

HON. MR. TRUDEL—I think it would be a waste of time.

The clause was adopted.

On the 22nd clause,

HON. SIR ALEX. CAMPBELL—I move that this clause be amended by adding the following words after the word "council"—

"Provided nevertheless the obligation of any guarantee company approved of by the Governor-in-Council to the like effect may be substituted for the said bond."

The motion was agreed to and the clause as amended was adopted.

On the 31st clause,

HON. SIR ALEX. CAMPBELL—That clause is essential to the whole Bill. It is one of the great features of the Torrens system that trusts should not be entered on the register. That I find is universal. It is one of the features of Mr. Mowat's Bill, and the Registration Act of British Columbia, and it is universal in all the Australian colonies. It is an essential feature of the Torrens system, and one for which that system takes to itself great credit, that these trusts shall not be entered. If the House concur in introducing the system in the North-West Territories, I do not see how we can omit that clause. Those gentlemen who think that some other provision might be made will perhaps allow me to suggest that the clause being generally found in all those Acts it is best for us to introduce it, along with the rest of the measure, into the North-West Territories, and there after they have had some years experience of it, if they find that it does not act satisfactorily they can repeal it; but in the meantime it is an essential feature of the Torrens system, without which I do not think the Bill could be worked at all. The great merit of the system is that transfers are made from person to person without any chain of title, and that the trusts are not entered because they would complicate the title. I explained to the House when the Bill was up for the second reading how it was that under this system trusts could be created, but that the land itself is held free; so long as that is the case the title passes from owner to owner. If you complicate it with trusts you leave the Torrens system altogether, and go back to the present system of dealing with real estate. I hope, therefore, that the committee will adopt the clause as it stands.

HON. MR. DICKEY—I hardly understand how this could be worked. If trusts are to be created I do not see why it is not necessary to have them on the face of the register. I am disposed rather to think that the answer to this would be that the trust is to be filed in the office.

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. DICKEY—That is the only way, but certainly the trusts should be made known otherwise. My hon. friend says that the transfer of lands should be free on the register, but if it is made free what provision is there that the trusts should be an encumbrance on the land? I suppose the provision that a duplicate of the trust shall be filed in the office for inspection will obviate that.

HON. MR. SCOTT—The only trust apparently that is recognized is that of the mortgagee. I should have less objection to it if the trusts created by will were better guarded. If trusts created by will were allowed to prevail the objection to it would be largely removed.

HON. SIR ALEX. CAMPBELL—Perhaps the committee will not think that I am detaining them unnecessarily or inconveniently if I read a passage from a report made by Mr. Henry Gawler, barrister, for many years Examiner of Titles in South Australia. It is as follows:—

"Settlements may be divided into two classes—First, those in which the legal estate is vested in trustees, the 'cestui que trusts,' or persons beneficially interested, taking only equitable interests; this is the most common form of settlement at the present day. Second, those in which the persons beneficially interested take the legal estate in the land in possession or remainder each one in his own right, without the intervention of trustees; and this is the form most commonly used when land is to be strictly entailed.

"Settlements under the first class most usually contain provisions empowering the trustees to sell or to make exchanges, and exempting purchasers from such trustees from all liability to inquire into the *bona fides* of any sale, or to see to the application of the purchase.money; consequently, if the title of the trustees be otherwise correct, a purchaser from them cannot be ejected by the *cestui que* trusts, on the ground of a breach of trust or improper sale by trustees. Under the Torrens Act such a settlement would be effected by the settler conveying to the trustees by memorandum of transfer, and the trusts would be declared in the usual form, either in such memorandum of transfer or in a separate deed, and the trustees would receive a 'declaration of title.' Now, in what respect would the *cestui que* trusts in this case be in a worse position than they would have been under the old system? In either case they must depend principally upon the honor of the trustees, and would only have a personal remedy in the event of a breach of trust. But *cestui que* trusts under the Torrens Act, so far from being in a worse position than they would have been under the old system, are actually in a better position, because they, or any person on their behalf, may enter a caveat, and so prevent any improper dealing by the trustees. This is the system adopted at the Bank of England in the case of stock in the funds, and it has been found by experience that property so circumstanced is practically safe. Can it be believed that what is safe for beneficial interests in such property will be otherwise than safe when applied to land? The second class of settlements can be effected under the Torrens Act with the same facility as under the old system. The Torrens Act in no way interferes with the principles or rules of law, or with the powers of land owners or their rights or liberties, but only with the machinery by which such rights or liberties may be created or protected: consequently the second class of settlements is fully and effectually provided for, without the intervention of the Statute of Uses. Instead of conveying to A, for the use of B for life, with remainder to the use of C in fee, it conveys direct to B for life, with remainder to C. Upon the execution of such a settlement the Recorder of Titles would issue a "declaration of title" to the first tenant for life or owner of the first estate of freehold vested in possession. Such declaration would set forth the nature of the estate, and all powers given to the tenant for life by the settlement, such as powers of appointing the fee or of releasing. Each remainderman as his estate became vested in possession, would receive a declaration of title, and in the meantime he could deal with his interest, though a purchaser would not receive a declaration of title until the estate fell into possession. The only difference, in fact, between a settlement of land under the Torrens system and of land under the old system is, that in the former case no estate would pass or become vested until the settlement was registered; but so soon as registered, the settlement would have exactly the same effect; estates and interest would vest or be divested exactly as under the old system."

HON. MR. SCOTT—You do not allow it to be registered.

HON. SIR ALEX. CAMPBELL—They do not allow it here to be registered; they only allow an accompanying memorandum to be registered.

HON. MR. KAULBACH—Those interested in the *cestui que* trusts can always appear and dispute any conveyance of the trustee. In this case I believe it is essential to the Bill that the clause should pass, and therefore, though I have strong and pungent objections to it, yet it being necessary to carry out the system, my objections must give way.

HON. MR. GIRARD—I would take the liberty of reading Sir Robert Torrens' opinion on this point. On the occasion of a meeting of the Association in England, in the year 1882, he said :—

"The declaration of trusts could not be registered, but might be deposited for safe custody and reference, and the *cestui que* trusts, or *beneficiaries*, were protected, first, by caveat, forbidding the registration of any dealing by the trustees until notice had been given to named parties, or except in accordance with the deposited declaration of trusts; and secondly, by a 'no survivorship' clause, which barred registration of any dealing until any deficiency in the number of trustees occasioned by death, insolvency or otherwise, had been filled up with the sanction of a judge of the Supreme Court; greater security is attained by this mode, and at the same time legitimate dealings are not impeded in any appreciable degree."

Now, that is perfectly applicable to the present case. Everyone present at the meeting agreed in the opinion expressed by Sir Robert Torrens, and I do not see why it should not be adopted on the present occasion.

The clause was adopted.

On the 74th clause,

HON. MR. ALEXANDER—If there is anything that we ought to attend to, it is to protect the poor man, who may have

been unfortunate, in the possession of his land. I have seen many cases where deputy sheriffs, not having properly advertised lands for sale, have got their friends to bid in the property and buy it in at one-tenth of its value. If there is any sympathy at all, it should be with the poor man and not with the capitalists, and we ought to provide that land sales shall be advertised sufficiently so that the poor man may get the value of his land.

The clause was adopted.

On the 91st clause,

HON. SIR ALEX. CAMPBELL—I do not see what we can do but adopt this clause. We labor under this disadvantage in discussing the subject, that none of the books, so far as I know, (and I think I have read them all) gives at any length reasons for the course which the Bill proposes in this respect, but in all the laws which I have seen the provision exists, and therefore I take it for granted that experience has shown it is a necessary part of the system. It is desirable, therefore, that we should re-enact it and we have the satisfaction of knowing that if it is found inconvenient the people of the North-West can alter it.

HON. MR. POWER—Has the Minister found this particular provision in the British Columbia Statute? The reason I ask that question is this—we must remember that these Australian colonies, as far as I know, had not the system of registration that we possess and which puts us in such a more advantageous position than the people of England were in. In Australia they were not familiar with our system of registration, and probably if they had been they would not have introduced this Torrens system to such an extent as they did.

HON. MR. DICKEY—The adoption of this clause depends entirely on the question which arises under section 5. If we struck out clause 5 it would be entirely inconsistent with it to maintain this clause; the two must run together.

HON. SIR ALEX. CAMPBELL—I do not think that follows. We must provide some machinery, where a man dies, for carrying on the estate. I will read to the House the provision in Mr. Mowat's Bill in that respect:—

"On the death of the sole registered owner, or of the survivor of several joint registered owners, of any freehold land, such person shall be registered as owner, in the place of the deceased owner or owners, as may on the application of any person interested in such land, be appointed by the Master of Titles, regard being had to the rights of the several persons interested in the land, and in particular to the selection of any such persons as may for the time being appear to the Master of Titles to be entitled, according to law, to be so appointed."

Now, it is a choice between a person appointed by the court or an executor or an administrator.

HON. MR. SCOTT—As I read that clause the Master has to see in the will who is the owner.

HON. SIR ALEX. CAMPBELL—Yes.

HON. MR. SCOTT—And if there are a number of owners for the different parts of the property each one would be considered.

HON. SIR ALEX. CAMPBELL—He looks to see how it is divided, but he nevertheless registers the executor as the owner. "On the death of the sole registered owner, or of the survivor of several joint registered owners, of any freehold land, such person shall be registered as owner, in the place of the deceased owner or owners, as may on the application of any person interested in such land, be appointed by the Master of Titles."

HON. MR. SCOTT—Each person is appointed for his own piece of the property.

HON. SIR ALEX. CAMPBELL—It is not the devisee, but some other person who is appointed; because, if it had been the devisee, the clause would have gone on to say that in the event of the death of the owner the devisee shall be registered. The clause says that the Master shall choose—that is, if he found there were two or three children interested in the

land he would have regard to their interests and choose some relative of theirs, some person in whom they would have confidence or who would deal honestly and fairly by them. He does not choose the devisee himself, but some person to represent the devisee. Now, under the Bill which is before the committee it is provided, instead of the Master choosing it shall be the executor or the administrator. The executor is supposed to be a person in whom confidence can be placed. The provision is as good as this one in the Mowat Bill, and it saves the expense of a reference to the Master of Titles. The Master is probably a stranger to the parties; why should we suppose that he would choose a person more entitled to trust and confidence than the deceased himself who had named the executor, or if the owner died intestate that the Master would choose a better person than one named as administrator? It seems to me that he would not choose a better person than the executor or administrator, and therefore I think the system in the present Bill is better than that of Mr. Mowat.

Hon. Mr. SCOTT—I understand the clause in the Mowat Bill in this way: take for illustration the case of a man who leaves three pieces of property to three sons. Each of them would be mentioned as the person entitled to his particular property. If there was but one property left I could understand that one person would be selected as trustee; but if three or four pieces were left, as is commonly the case, I take it for granted that each devisee would be the representative of his own property.

Hon. Sir. ALEX. CAMPBELL—Oh no. The object is to let the property go from owner to owner, and therefore some person must come and represent the deceased man.

Hon. Mr. DICKEY—With regard to this particular point the provision in the Ontario statute seems to leave room for any party to come in to contest the title to the land in that cheap way through the Master of Titles.

Hon. Sir ALEX. CAMPBELL—No, it does not do that.

Hon. Mr. DICKEY—I think it must do that, because it gives power to the Master of Titles to investigate the rights of the several persons. But here you undertake to say that the land shall not by this Bill belong to the person to whom it is devised. The 91st clause says, "Whenever the owner of any land dies leaving a will, such land shall, subject to the provisions of this Act, vest in the personal representatives of the deceased owner." Then, at line 20, "upon such entry being made, the executor or administrator, as the case may be, shall be deemed to be the owner of such lands." Now the whole of this thing depends upon the question, whether you are going to treat lands as chattels real.

Hon. Sir ALEX. CAMPBELL—No, it does not follow at all. This clause about chattels real does not exist in all of the Australian colonies, but only in a few of them; but this one of transmission through the executor or administrator is universal.

The clause was adopted.

Hon. Mr. KAULBACH—Supposing a person dies intestate and no one applies for administration, is there any machinery in this Bill by which the court can take hold of it at its own instance?

Hon. Sir ALEX. CAMPBELL—There is no machinery here, but the law outside would provide for that. When we were last in committee a suggestion was made that clause 106 should be amended so as to provide for an insurance fund. I propose to add the following to the clause:

Page 29, line 38.—After "securites" insert, "and the fees under this Act shall be those which may, from time to time, be settled by the Governor-in-Council, together with one-fifth of one per cent. on the value of the Real Estate, where such value amounts to or is under five thousand dollars, and one-tenth of one per. cent on the additional value where such value exceeds five thousand dollars."

Hon. Mr. POWER—Along with that I presume the Minister would strike out the provision in the early part of it providing for an assurance fund to be formed by deducting from the registrars' fees 20 per cent., because up to the present time the fees paid in the North-West have been very small.

HON. SIR ALEX. CAMPBELL—The registrars are paid by salary.

HON. MR. PLUMB—If there should be any deficiency how will it be made up?

HON. SIR ALEX. CAMPBELL—We hope the assurance fund will gradually gain; it has been the case in other colonies.

The clause was adopted.

On the 127th clause,

HON. SIR ALEX. CAMPBELL—I propose to add to this clause the words which I found in Mr. Mowat's Bill:—

Page 36, line 19.—After "petition" insert, "in such a case the words 'no survivorship' in the entry shall be construed to mean that in case any one of the owners should die, no registered disposition of the land or change shall be made except under order of the court."

The clause as amended was adopted.

HON. MR. READ, from the committee, reported that they had made some progress and asked leave to sit again to-morrow.

THE EVANS DIVORCE BILL.

THIRD READING.

HON. MR. GOWAN moved the third reading of Bill (G), "An Act for the relief of Alice Alvira Evans." He said: the evidence has been printed, and the case, I think, will commend itself to everyone in the House.

HON. SIR ALEX. CAMPBELL—There is in that Bill a clause to which my hon. friend who has charge of it drew attention at the second reading—that is, the clause providing for the care of the child. I think it would be wiser for us not to pass a Bill containing such a provision. We have done so on one or two occasions, and perhaps we have the power. By stretching the argument a little, it may be held that it is one of the incidents of the power of granting a divorce. I find in England, when the House of Lords dealt with the question of divorce, that they were very chary about making any such provision, that they confined themselves to the divorce itself. Whatever reason may have existed in England for that I think exists more strongly here, because the several provinces have different laws in regard to the custody of children, and we would be dealing with a question on which we are much less informed than a court of law is when it comes to consider such a subject. For instance in the Province of Quebec, if there was a Divorce Bill to be decided here and we were to grant the custody of children we might be running contrary to the laws there without knowing half as well as those who made the laws of the province or those who have to administer those laws what was usual in the Province of Quebec. And so in the other provinces; we are not informed—we are not in a position to deal with these questions. In fact that is a defect of the system which we are obliged to use, *faut de mieux*, in granting divorces. But we might with advantage avoid going any further—we might avoid passing any Bill relative to the custody of the children, but merely grant the divorce and leave the parties to obtain their rights in that respect from the courts of the province in which they live, courts much better able to do what is right in the matter than this House can be. Therefore I suggest to my hon. friend who has charge of the Bill that it would be wiser to leave out this paragraph with reference to the custody of the child.

HON. MR. KAULBACH—I am very glad the Minister of Justice has suggested this course. When a Bill came up before, giving property to children, I was very much opposed to it, because we were interfering with property and civil rights. I am very glad that this House is to be relieved of some of the duties of a divorce court, which I think it is very important we should be relieved of. As I have stated, on the occasion to which I referred, I was very much opposed to interfering with a matter of this kind further than granting the divorce. If we cannot be relieved entirely of those divorce cases, we should be relieved at all events of matters with which we cannot deal as satisfactorily as the courts of the provinces can.

HON. MR. GOWAN—When I first took charge of this Bill I pointed out to the parties promoting it that the clause was

open to the objections which have been referred to by the Minister of Justice. I have seen the solicitor for the petitioner since the Bill passed through committee, and told him that I certainly could not support that clause. He said he was perfectly willing to have it struck out. In addition to the reasons which have been mentioned by the hon. Minister of Justice why such a clause as that should not be inserted in this Bill, I think one may be found in the fact that certain members of the Senate have conscientious scruples on the subject of divorce? It is necessary, however, to deal with the subject of divorce, Parliament having the exclusive jurisdiction; but in certain incidental matters arising out of divorce, it is not necessary, the ordinary tribunals of the country being competent, and indeed better able to deal with it. We should not, therefore, needlessly force the members of this House who have objections to take any action. We should, I think, respect their religious sensibilities.

HON. MR. PLUMB—When this Bill was before the committee I observed this clause which gave to the woman, who was the petitioner, the right to the custody of her child. She unfortunately had married a profligate man. She had a boy, who was the issue of the marriage. She was separated from her husband before or about the time the child was born. No support was ever given to her or the child. For several years she had to maintain herself and the child, and she would have applied for a divorce long before she did, but that she did not learn of the residence of her husband until several years after he had left her. Then she found him living with another woman, having a family which he acknowledged as his own. It was a great misfortune for the woman to have her life blighted by a scoundrel. That clause in the Bill was spoken of as being one which might be objectionable: I believe that Bills with similar clauses have passed this House. My only desire to have it retained was to save that woman from the vexation and expense of going to the courts for an obvious right, a right which I think nature gave her, and concerning which, I think, she would have the sympathies of this body if her case was known to them as it is known to us who were on that committee. At the same time, my hon. friend on my right, (Mr. Gowan) said there were some legal objections to it and I asked that it might be left in the Bill and we would get the opinion of the Minister of Justice in regard to it. My object has been attained. The clause has been left in the Bill and the Minister of Justice now thinks that it would be prudent to omit it. I will do my hon. friend from Barrie the justice to say that he stated from the first that he considered as a lawyer (which I am not) that we had no right to legislate in this direction. I wished to save the poor woman the expense of going to the courts to obtain that which our assent to the petition and our recommending the Bill seemed almost to carry with it as a matter of course. I wanted to save her cost and trouble. That was one of the cases which we have been abused for having shut out the public from, where we desired to screen a most unfortunate woman—I would call her a lady—from the observation of impertinent curiosity when she came to ask for a right to which I thought she had fully established her claim.

HON. MR. POWER—The hon. gentleman from Barrie said something as to the scruples of members of the church to which I belong. I wish to inform that hon. gentleman that while we may have scruples as to voting for a Divorce Bill, I do not think any member of the church to which I belong would have any scruple about voting for the 3rd clause of the Bill, which gives to a deserving and virtuous woman the care of her child instead of giving it to her scoundrelly husband. I think my hon. friend may dismiss from his mind any feeling that we have a scruple of that kind. I was going to submit this to the consideration of the Minister of Justice: I quite agree with the hon. gentleman from Niagara that we have in the past been in the habit of passing divorce bills containing clauses of this character with respect to the custody of children, and I think the present is a case where the wife is peculiarly entitled to have the custody of her child and where the husband has really no claim whatever. The wife is a comparatively poor woman who has been maintaining herself by her own exertions. I think if we can save her the expense and annoyance that may arise

to her from striking out this clause, that we ought to do so, and I feel disposed myself to think that it would be wiser to let this Bill pass as it is, and let the statement made by the Minister of Justice now be a rule to guide us in the future; but I really think we should not make this poor woman the first example under the new rule.

HON. MR. GOWAN—I cannot understand the logical position of the hon. gentleman from Halifax. He is willing to allow this clause to be retained because it is a case which appeals to him and a divorce has taken place. If he or any other gentleman has scruples of conscience on the point of the power of the civil authority to grant divorce and believes that our action here is valueless and nugatory, then I cannot see how he can ask to have that done which is only the consequence of divorce. If no divorce has taken place *in foro consientia*, then this clause would be absurd and meaningless, but if he asks us to retain that clause he admits logically the power and duty of this House to grant a divorce. I say it is a dilemma that no one can escape from. If no divorce has taken place, then we have no power to deal with it, but I believe from the standpoint of some hon. gentlemen in this House that they do not recognize in conscience the power of any legislature to sever the marriage tie. The solicitor who is the promoter of this Bill desires that the third clause should be withdrawn; he told me so himself.

HON. MR. PLUMB—He is willing that it should be withdrawn.

HON. MR. KAULBACH—As the hon. member from Niagara has stated, this is an exceptional case, and if we would just allow this Bill to pass as it is and let it be the full understanding of the House that hereafter we will not take cognizance of anything further than divorce—let it be understood that this is not to be a precedent, that we in future will not recognize any rights of property or rights to the custody of children from the consequence of divorce—I think my hon. friend, the Minister of Justice, might allow this Bill to pass as it is.

HON. SIR ALEX. CAMPBELL—I think we had better adhere to the rule.

THE SPEAKER—As the question now stands before the House a regular motion would be required from some other member, which motion should be in writing. Perhaps the other gentlemen will take the suggestion of postponing the order of the day until to-morrow and have a regular motion prepared to strike out the 3rd clause.

HON. MR. VIDAL—I move that the said Bill be not now read the 3rd time but that it be referred to a committee of the whole House presently, with instructions to strike out the 3rd clause of the said Bill.

HON. MR. DICKEY—That is a roundabout way of making the amendment, and it is quite unnecessary.

THE SPEAKER—I did not intend that.

HON. MR. DICKEY—The proper course would be to move that the Bill be not now read the third time but that clause three be struck out.

THE SPEAKER—The simple course would be, after the hon. member from Barrie moves the third reading of the Bill, for some other member to move in amendment that the Bill be not now read the third time but that it be amended by striking out the 3rd clause.

HON. MR. VIDAL—I beg to put my motion in that form.

The House divided on the amendment which was adopted by the following vote:

CONTENTS:

Hon. Messrs.

Alexander,	McKindsey,
Almon,	McMaster,
Archibald,	Miller (Speaker),
Campbell, (Sir Alex.),	Montgomery,
Clemow,	O'Donohoe,
Dever,	Plumb,
Dickey,	Smith,
Ferrier,	Turner,
Flint,	Vidal.—19.
Gowan,	

NON-CONTENTS:

Hon. Messrs.

Boucherville, de,	Nelson,
Boyd,	Odell,
Haythorne,	Pelletier,
Kaulbach,	Poirier,
Lewin,	Read,
McClelan,	Stevens.—13.
McKay,	

The Bill was then read the third time on a division and passed.

HATZFELD DIVORCE BILL.

THIRD READING.

HON. MR. KAULBACH moved the third reading of Bill (D) "An Act for the relief of Georg Louis Emil Hatzfeld."

The motion was agreed to on a division and the Bill was read the third time and passed.

THE SMITH DIVORCE BILL.

REPORT OF THE COMMITTEE ADOPTED.

HON. MR. GOWAN moved that the second report of the Select Committee to whom was referred Bill (B) "An Act for the relief of Charles Smith," be adopted. He said: It was unanimously agreed upon by the committee that it was one of the grossest cases that it is possible to conceive that any man could have the audacity to come before the House and ask relief upon. There was evidence before us that the petitioner intended the adultery which he complains of should take place; that he not merely did not interfere, but that he encouraged it by his criminal connivance. He had a willing mind, he acquiesced, and now he comes before Parliament complaining of his wife's adultery and seeking to have the tie dissolved on that ground. *Volenti non fit injuria.* He who was an accessory before the fact seeks to take advantage of his own wrong doing; he who encouraged his wife to commit an act to his own dishonor now asks Parliament, against all authority, human and divine, to sanction his base connivance. I think after reading the exhibits which appear in the Minutes in connection with the evidence no member of this House could have the slightest hesitation to adopt the report of the committee.

HON. MR. KAULBACH—I may say that having carefully looked over this matter, and my views being very strong in the first instance, I fully endorse what has been said, that the petitioner connived at the amours of his wife, and that he is the last person who should come to the Senate to ask for a divorce for the offence which he was largely instrumental in bringing about.

The motion was agreed to.

THE PRINTING OF PARLIAMENT.

FIFTH REPORT OF THE COMMITTEE ADOPTED.

HON. MR. READ moved that the 5th report of the Joint Committee of both Houses on the Printing of Parliament be adopted. He explained that it merely recommended the printing of certain documents.

The motion was agreed to.

SAULT ST. MARIE BRIDGE COMPANY'S BILL.

SECOND READING.

HON. MR. POWER moved the second reading of Bill (52) "An Act respecting the Sault St. Marie Bridge Company." He said: This is a bill to extend the time within which the work at this bridge shall be begun and completed. The charter of the company was granted in 1882, and the 32nd section of the charter, cap. 89, of the Acts of that year, provided that the bridge should be begun and completed before certain dates specified, after the passing of the Act. This amendment is to extend the time so that the work should be commenced within three years, and completed within six years from the passing of the Act.

The motion was agreed to and the Bill was read the second time.

GREAT WESTERN & LAKE ONTARIO SHORE JUNCTION RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. MCMASTER moved the second reading of Bill (38) "An Act relating to the Great Western and Lake Ontario Shore Junction Railway Company."

He said: I took charge of this Bill in the absence of the hon. gentleman from Montreal. It provides for constructing a short line of railway from the main line of the Great Western to Lewiston, to connect with a line far advanced now on the American side. A bridge, however, is to be constructed, and the Grand Trunk Railway Company, now in possession of the Great Western Railway, do not feel it advisable to expend money in constructing this short line until the bridge is near completion. The only other provision in it refers to the substitution of the name of John Burton, of Montreal, for Frederick Broughton as one of the directors.

The motion was agreed to, and the Bill was read the second time.

CANADA CONGREGATIONAL MISSIONARY SOCIETY'S BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (54) "An Act respecting the Canada Congregational Missionary Society." He said—This is a Bill which was really in Hon. Mr. Sullivan's charge, but he is not here, and I move the second reading of it according to the notice. It is simply a Bill to sanction the union of the Congregational churches of the lower provinces, and to give them power to carry on their mision work throughout the whole extent of the Dominion. It contains no clauses but those which are quite common in similar Bills.

The motion was agreed to and the Bill was read the second time.

WOOD MOUNTAIN AND QU'APPELLE RAILWAY CO.'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (23) "An Act to amend the Act to incorporate the Wood Mountain & Qu'Appelle Railway Company." He said—This is a Bill which has passed the other House, and is here with the petition all right, I understand. The company ask, in the first place, that the second section of their Act shall be repealed, and that they shall have power and authority to construct their railroad starting from a different point, giving them a wider choice of the point at which they shall begin. In a big country like the North-West, it is not possible always to designate, in the first instance by survey, where is the most important point to begin a railway, but I believe we are all of opinion that it is desirable to give railway companies in the North-West every facility for constructing their lines. This Bill merely gives this company the right to begin in any one of four townships, instead of limiting them to one township. They also ask that the time for the commencement of the railway be extended for two years from the passing of the Act, and that the same be completed in five years after the commencement thereof.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 6 o'clock

THE SENATE.

Ottawa, Friday, March 20th, 1885.

The SPEAKER took the Chair at Three o'clock p. m.

Prayers and routine proceedings.

HAMILTON PROVIDENT AND LOAN SOCIETY'S BILL.

REPORTED FROM COMMITTEE.

HON. MR. PLUMB, from the Committee on Banking and Commerce, re-

ported Bill (J) "An Act to comprise in one Act a limitation of the share and loan capital of the Hamilton Provident and Loan Society," with certain amendments. He moved that the report be concurred in.

HON. MR. DICKEY—It has been usual, in accordance with the rule, that the chairman presenting a report from a committee should state to the Senate the effect of these amendments. We are called upon at present to decide in what way the amendments affect the Bill.

HON. MR. PLUMB—The effect of the amendments may be briefly stated in this way: there was a clerical error in the Bill where 1,000 shares of capital stock of the company was inserted instead of 10,000. The other is striking out from the Bill a declaration of the amount of the deposits and debentures, which varies from year to year. As the Committee have had no evidence before them except as to the amount of those sums on the first day of January last, and it was practically not important in the Bill, it was suggested by the promoters that it should be omitted, and the committee thought it was better to omit it than that they should certify to what might not be a permanent position of the company.

The motion was agreed to and the report was concurred in.

CAPE TRAVERSE BRANCH RAILWAY.

MOTION FOR A RETURN.

HON. MR. BOTSFORD moved,

That an humble address be presented to His Excellency the Governor-General praying that he will cause to be laid before this House a return showing in detail the total cost of the Cape Traverse branch railway; including the sums paid to engineers and for superintending its construction, the rolling stock, stations and other buildings.

He said: This branch railway referred to in the notice which I have given, is a portion of the road which connects the system of railways in Prince Edward Island with Cape Traverse, which is the point chosen specially for the winter communication between Prince Edward Island and Cape Tormentine. That part of the road has been constructed by the Government and I do not ask for this information to throw out any insinuation that the money has not been well expended. The object is not to obtain information for the purpose of criticising the expenditure on this branch, because I believe, from the information I am possessed of, that the money was well expended, and that the road had been well built. My object in asking for this information is to enable the company which is constructing the railway from Cape Tormentine to the Intercolonial railway at Sackville, to build its road of a similar character. It will give the company valuable information, and that is my object in moving this address. I may state that that portion of the route is 37 miles in length and the Cape Traverse branch is about 13 miles, and the distance across the Strait is nine miles. Consequently when the Cape Tormentine part of the road is constructed the distance between Charlottetown, Prince Edward Island, by the branch to Cape Traverse, and from there to Cape Tormentine, and thence to a junction with the Intercolonial Railway will be about 81 miles, including the passage across the Straits. When this end of he road, which is now being constructed by a private company, is finished, and the Government carry out the improvements contemplated, and a steamboat is put there of sufficient capacity to carry passengers and such freight as may offer, trains going at the average rate of speed at which express trains on the Intercolonial Railway are run, and crossing the Strait in a steamboat will enable a passenger leaving Charlottetown at 12 noon to arrive at the Intercolonial Railway Junction at 4¼ o'clock in the afternoon. As a matter of course that speed of communication cannot take place unless the Government carry out the recommendations which are contained in the report which I hold in my hand, made in 1883 by a committee of the House of Commons, consisting of gentlemen who are well acquainted with the locality, and are personally acquainted with the difficulties of the navigation, and who gathered evidence from almost every practical man who had been acquainted with the navigation of the Straits in the winter. In their report they have made

certain recommendations which, if carried out by the Government, (as I have no donbt they will be) will provide very rapid postal communication between the Island and the other part of the Dominion, and will be a great benefit to the Island. Perhaps it will be a satisfaction to the Senate to know what progress is being made on that part of the road which the Government have permitted a private company to construct and to manage. To be sure it seems rather anomalous that in a system of railways which is owned by the Dominion Government, an important portion of the communication between Prince Edward Island and the mainland should be constructed and owned and run by a private company. But so it is, and I think it would be a satisfaction to the Senate to know the progress which has been made by the company in constructing the 37 miles of road.

HON. MR. MCCLELAN—I would ask the hon. gentleman if I understand him correctly as to the distance? I understood him to say it was 59 miles—that is 37 miles in New Brunswick, 9 miles across the Straits, and 13 miles from Traverse to Charlottetown.

HON. MR. BOTSFORD—I was speaking of the branch being 13 miles, and then when you come to the junction with the railway system of Prince Edward Island it is 31 miles to Charlottetown, making 44 miles. The progress which has been made by the company has been examined by the engineer of the Provincial Government, and his report was to this effect that $178,000 have been well expended on the road by the company, and that the work was done as well as the work on the Intercolonial Railway. The estimate of the company's engineer was that $200,000 had been expended by the company. I may say that the road is graded to within three miles of Cape Tormentine, and would have been completed last autumn, but the Government had not established the site of the pier at Cape Tormentine. That I believe the Minister of Public Works intends to do this spring, when the remaining part of the road will be graded. The company have also laid the rails half way, and partly ballasted the road, and all the important bridges have been constructed. Hon. gentlemen will therefore perceive that in all probability this road will be completed by the autumn, and in running order, and if the Government carry out the recommendations contained in the report of the committee of the House of Commons, I think Prince Edward Island members will not have any reason to complain that they have not as speedy and secure communication across the Straits as can possibly be provided in the winter season.

HON. MR. DICKEY—I presume there will be no objection to this address, and the information will be interesting to the House. I should not make any observation on this motion had not my hon. friend called particular attention to the fact that he asked for this address and the information contained in it in the interest of a private company who are building the railway from Sackville to Cape Tormentine. Upon that part of the subject I have nothing more to say, but I think it may be interesting, as my hon. friend has gone into the question at large, for the members from Prince Edward Island and the House generally to know that an application was made, during the present session, to Parliament for a Bill to incorporate a company at another point on the Intercolonial railway, the town of Amherst where I live, to construct a branch to connect with this line at Baie Verte, and if necessary to go on to Cape Tormentine in case their own line is not finished. Unfortunately for the interests of Prince Edward Island objection was taken to that scheme by a leading member, I believe the president of the private company to which my hon. friend has referred. He considered it an encroachment upon his domain, and because formal notice was not given, the company, which was a very influential one, composed of leading capitalists in Amherst, were prevented from making that additional connection which would be greatly to the convenience of Prince Edward Island if it were established. The effect of that would have been a shorter route to the Intercolonial railway—the matter has been sprung on me and I only speak from memory and I may be wrong—the line would be some four miles shorter to Amherst, and it would have afforded a

double connection, and the people of Prince Edward Island would have an opportunity at Baie Verte to come to Sackville or to Amherst. I think that was a worthy object, an object which should have commended itself to the people of Prince Edward Island, but unfortunately it was defeated by the action of one of the directors of the company to which I have referred. I am not making a complaint; I am not mentioning it in the way of getting up a controversy on the subject, but as my hon. friend has thought proper to press upon the members of Prince Edward Island the advantages of this branch I thought it my duty to mention the other scheme, which would have given to the people of Prince Edward Island a great additional advantage in their desire to connect with the Intercolonial Railway, whether for the purpose of proceeding to Halifax on the one side, or to Montreal or Ottawa on the other, which would have been secured, I think I am warranted in saying, but for the interference of the president of the other company I have referred to, and of which I do not complain at present, because they have a perfect right to take advantage of the rules of the House.

HON. MR. BOTSFORD—The objection which an hon. member took to the Bill for constructing a branch line from Amherst to Cape Tormentine was perfectly justifiable. Sufficient notice was not given of the intention of the proposed new company to apply for a charter, and hon. members who examine the map will see that more than one-half of the road which this company propose to build, would run alongside of the road which is already almost completed, the locality of which is in New Brunswick and forms the constituency of the member of the Commons to whom the hon. member from Amherst has referred. I would like to ask the hon. member from Amherst if he really thinks that the capitalists of Amherst were prepared to construct the proposed railway by their own private means?

HON. MR. DICKEY—I think they would have been certainly as well prepared to build that part of the road as the capitalists of Sackville were able to build the other, if they had the same facilities, which they have applied for to the Local Government, and which would give them an equivalent subsidy of $3,000 a mile, which the Sackville company have claimed from the Provincial Government, because it is a railway entirely in the Province of New Brunswick, and has no connection with Nova Scotia or any other province. With regard to the other point which my hon. friend has asked me about, as to its running side by side with the other railway, I may say to him that was a matter of detail. Of course the Bill asks for power to build the line to Baie Verte and to Tormentine, but that was a provision which was within the control of the House, and probably had the matter been allowed to go before the House, the Committee to whom it would have been referred would hava taken into consideration the fact as to whether it was right to allow a competing line to run alongside of the other, but there was no reason why the power should not be given to connect at all events with Baie Verte.

HON. MR. BOTSFORD—Does the hon. gentleman from Amherst really believe that there is the remotest probability that the Province of Nova Scotia would grant a subsidy to any company in aid of the railway he advocates?

HON. MR. DICKEY—They have given subsidies to other local roads, in my own county for instance. They had at all events satisfied themselves that they had a fair prospect of getting a subsidy, and that is all I know about it.

HON. MR. HAYTHORNE—The completion of this railway to connect Cape Tormentine with the Intercolonial Railway is a matter of great importance to the province with which I am connected. Hon. gentlemen can easily understand what a sacrifice of time and endurance it is for passengers who cross the Straits in winter to pass the following night in open sleighs travelling over country roads. These difficulties will be overcome by the completion of this road. For my part I only desire to express my regret that the road is not to be constructed by the Government instead of by a company. Had the work been undertaken by the Government the result would have been that

travellers to and from Prince Edward Island would have been on Government railways all the may from Montreal to Charlottetown and *vice versa*. Of course we may expect naturally that roads run by the Government will be maintained in a more perfect condition than those owned by companies, and therefore it would have been more satisfactory to the Island if the road had been built by the Government. I may say from my knowledge of the country that it is remarkably easy for railway construction, being without large rivers or any great natural obstructions. I do hope that whatever is to be done in the construction of this branch will be done quickly.

HON. SIR ALEX. CAMPBELL—There is no objection to the address.

The motion was agreed to.

REAL ESTATE, NORTH-WEST TERRITORIES, TRANSER BILL.

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole the consideration of Bill (A) "An Act respecting real property in the North-West Territories."

In the Committee,

HON. SIR ALEX. CAMPBELL—When the committee rose yesterday there remained two clauses which were to be considered again, upon which I promised to obtain some information which would enable me to judge of them better than I could yesterday regarding the objections which some hon. gentlemen had to the continuance of those two clauses in the Bill. I have taken a good deal of trouble to advise myself since then on the subject, and in deference to the views expressed yesterday, I am content to withdraw those two clauses, 5 and 7. It would entail the necessity of re numbering the clauses, but that I suppose could be done. I am enabled to withdraw the two clauses because there is a provision in section 91 which covers the whole case and enables us to work the Bill. I am therefore glad to meet the views of hon. gentlemen and withdraw the two clauses. The 139th clause would need careful revision, but that I think the committee will allow me to have done by the law clerk. It repeals some clauses which it would be necessary not to repeal in the laws of the North-West, because chattels real will not take the place of real estate, and some of these repealing clauses relate to real estate, so that the matter will have to be gone over carefully, and I think the committee will allow me to leave that to the law clerk to do.

HON. MR. DICKEY—I am very much pleased, and I am sure the committee will also be pleased that we are relieved from the necessity of discussing those clauses and that my hon. friend has, in accordance with his usual courtesy, taken time to consider this matter and concluded to withdraw clauses 5 and 7. I would not make any observation but for the purpose of fulfilling a duty which the Government will consider I ought to fulfil in reference to those clauses to show that the position I took yesterday was correct. Clause 5 reads this way:—

> 5. All lands in the Territories, which, by the common law, are regarded as real estate, shall be held to be chattels real, and shall go to the executor or administrate. of any person or persons dying seized or possessed thereof, as other personal estate now passes to the personal representatives.

I took the position that if lands were to be regarded—speaking of that clause, and that alone—as chattels real in the case of the wife who had lands in her own right, those lands would go to the husband and be subject to his disposal, just the same as a chose in action, that is to say a bond or note of the wife, and would be subject to his control and taken out of her hands. When I raised the point my hon friend the Minister of Justice met it by an emphatic no, and conveyed the idea to myself and to the committee that I was incorrect in that position. I repeated it and stated that I was quite sure my memory did not deceive me; but I have taken the trouble since to look at the authority, and I will refer my hon. friend to a well known work, Stephen's Commentaries, second volume, page 262, in which the position I took then is clearly sustained:

"As to terms of years and other chattels real, of which the woman is possessed at the time of her marriage, or which accrue to her during coverture, her husband becomes possessed of them in her right. And he is entitled not only to the profits and the management during their joint lives, but he also may dispose of them as he pleases by any act during the coverture, and they are liable to be taken in execution for his debts."

I am quite sure that the House appreciates the position which I occupy in this matter; and while I spoke yesterday entirely from memory of principles which a lawyer is supposed never to forget, I wish to put myself right in all matters of this kind where I give a strong opinion, and I am sure the House will excuse me for showing that I have grounds for the opinions I expressed at that time.

HON. MR. POWER—I am very glad indeed that the Minister of Justice has yielded to the expressions of opinion of the committee with respect to the 5th and 7th clauses; and I am sorry he did not go a little further and yield to the same expression of opinion as to the 11th clause, or that he did not at any rate provide that in the case of a wife making a deed to her husband under that clause there should be an acknowledgment before a notary or some other officer. I think there is a great danger that the 11th clause will be abused, and I do not think that the insertion of the provision for the acknowledgement would hurt it in the slightest degree.

The motion was agreed to.

HON. MR. READ, from the committee reported the Bill with amendments.

HON. SIR ALEX. CAMPBELL moved that the amendments be now concurred in.

HON. MR. SCOTT—Before the report is received I desire to test the sense of the House with reference to that clause of which I gave notice—that clause 8, which strikes out dower. I move, therefore, that the Bill be not now concurred in, but that it be referred back to the committee to strike out section 8 in relation to dower. I do not propose to enlarge on what I have already said on that subject; but it seems to me we are making a great mistake when we deprive the wife of the right to say what disposition shall be made of the property which, in the great majority of cases, she has assisted to create and develop. I am not aware that in the past it has been regarded that this dower, particularly under the law which prevails in Ontario, has been a real substantial embarrassment, and it tends to disturb, in my judgment, the family relations which ought to exist between a man and his wife. I think it is a very serious proceeding, that dower should be taken away from all lands. The furthest that it has gone is in Ontario, where a law has been passed permitting the husband to dispose of lands on which no improvements have been made, if he has acquired them himself, without the concurrence of his wife, but the principle that the wife ought not to be consulted in the disposition of lands which she herself has probably taken a very active part in accumulating, is one which will not meet with much favor with the vast majority of people of the English speaking races, and the majority of people in the North-West. That clause is no part of the Torrens system. It does not affect at all the facility with which land may be conveyed.

HON. SIR ALEX. CAMPBELL—It is a very fair question on which to take the opinion of the House. I mentioned my views upon the subject when the Bill was up for the second reading and I do not know that it is necessary for me to enlarge more upon the subject now. There are arguments both ways. The strongest argument for the dower is the one which is used by my hon. friend from New Brunswick and it has been mentioned again to-day by my hon. friend from Ottawa; but there are abundant reasons on the other side, and I think we must bear in mind that under the Bill the wife will come in at all events for one-third of the real estate as a chattel.

HON. MR. SCOTT—That is on the death of the husband?

HON. SIR ALEX. CAMPBELL—Yes. Then there is the advantage that the husband is enabled to part more readily with his property, and that advantage may redound to his wife and children. We know in the majority of instances the wife

is willing to give up her dower. We do not know many cases in which she refuses to do so, and we have the statement by the hon. member from Barrie the other day that after the experience of forty years in examining wives as to parting with their estates that he never knew an instance in which the wife had refused. I seems to me that the tendency is towards the legislation which we propose.

HON. MR. KAULBACH—I believe there should be no dower in the North-West. That was my contention from the first. The husband and wife are to be separate parties. Under the Bill as it now exists, I am opposed to a woman being allowed to convey property to her husband; but as that is allowed to exist, her dower would be to a large extent gone under this Bill. The dower is precarious and uncertain, and it hampers land and destroys its value in the market largely, and therefore I shall vote against the amendment.

HON. MR. PLUMB—I regret very much that I cannot agree with my hon. friend the Minister of Justice, to whose opinions I pay the greatest deference, in regard to this matter of dower. I took the position from the outset on reading the Bill, that dower should not be abolished, and I see no reason for changing my mind with regard to that. I think we lose sight, in this matter, of those who are to be protected by the right of dower. In ordinary transactions, in the transfer of real estate, we may rest upon the assurance of my hon. friend from Barrie, that in a long experience he has never known the claim of dower to embarrass any transfer of property, and we can set that off against what has been said by the hon. member from Lunenburg. There are cases, I am sure, where that provision has saved a family from being utterly wrecked.

HON. MR. SCOTT—Hear, hear.

HON. MR. PLUMB—It is for that reason that I feel a conscientious conviction that we should not lightly take away from the family the security which that provision gives. It may not be used: it may not be necessary for the wife to refuse to join in a conveyance, because with that safeguard she would not be even asked to do it; but I think that the wife is usually the protector of the family against the improvidence of the husband. We are legislating not for people of wealth or people who are having large transactions in the transfer of real estate; but for the humble householder and his family, and we are trying if possible not to take away any safeguards that are thrown about the sanctity of the household and the safety of the family and children. I do not believe it is desirable that we should do that, and I do not think that for the sake of facilitating the sale of property and its transfer we should do even a prospective or possible injustice to a class who cannot come here to protect themselves. I think there have been many instances in which the right of dower has prevented the wreck of households—many and many instances of the kind—and it is hardly a fair answer to that to say that the wife on the death of her husband takes her share of the property. The time when she suffers is in the life of her husband, not in his death; and that is the period in which it is desirable not to withdraw from her any of those protections of the law which she has been accustomed to believe belonged to her, and which have been from time immemorial extended to her. I think it will be a great surprise to the people of this country to know that by any legislation, not for themselves, but by the adoption or affirmation of any principle of legislation that that right has been taken away in any part of Canada. I admit that in the North-West there is not any very great likelihood that serious hardship of that kind can occur; but it must be remembered that we are here confirming a principle which can readily be applied to any other province as well as to the North-West. Those who want to make the change—the gentlemen who have inaugurated this movement, and I think I know very well who they are—either those gentlemen or others by and by will wish to extend this principle, and they will say that the Parliament of Canada have already affirmed it and that it is only because it might be inconvenient in some of the other provinces that it was not extended to them. Real property has by a legal fiction been made a chattel; all the securities that have been thrown about it hereto-

fore have been swept away; for what? For the purpose, as far as I can see, of saving the expense of examining into titles. With one-tenth part of the legislation that we are asked to give here, we could adopt a system of registration of searches, no more difficult, arbitrary or onerous than this system—in fact nothing like as much so—one which would not change the other principles connected with real estate and would have answered every purpose. There would have been no difficulty about it. That is the only valid argument I have heard for the whole change we are asked to adopt, that every transfer should carry with it an absolute title; and it will be a saving of expense. As to the saving of expense, which we are led to believe will take place, a prominent advocate of this measure, the man upon whose pamphlet all the arguments almost that have been advanced in favor of the measure have been based, tells the legal profession, "Do not oppose this measure under the idea that it is going to take away your fees, for I assure you in Australia where it has been adopted the lawyers have done more since it was adopted and made more money out of it than they did before." I can turn to the very line in which that argument is put forward. I do not wish to say anything more on the general principles of the Bill, but I regret very much that I shall be compelled, if the matter is put to a vote, to support the amendments of my hon. friend opposite.

HON. MR. ALEXANDER—It is not often that I have the good fortune to agree with my hon. friend who has just taken his seat, but I certainly do to-day.

HON. MR. PLUMB—If anything could alter my position, that would suffice.

HON. MR. ALEXANDER—Let us take the instance of a family who have been unfortunate in the Old Country on account of the want of thrift and management of the husband. They sell all their property, and perhaps the man moves to the North-West with his wife and family, and the same want of thrift and management follows him there. He invests his all in the North-West, and manages to run through the whole of his property; would this House deprive the wife and children of the right which they would have under the law of dower? Why should we interfere with the law of dower in that case? I think there are many such cases coming up; even in our own past life we have known in our own counties where a dower has saved the family from ruin.

HON. MR. SUTHERLAND—I would beg to make a few remarks on this subject, although I do so with considerable diffidence. At the organization of Manitoba, and for some short time afterwards, we had the right of dower; but since that time—for several years now—it has been done away with; and I think it is very possible that the North-West Territories will be likely to do the very same thing; so that I think myself it is not at all unlikely, even if this amendment were adopted, and dower was retained, that in a short time we would have the law amended in the North-West. I may also mention, though it is not exactly pertinent to this clause of the Bill, that I said the other day I felt sure Manitoba would endorse the passing of this Bill. I noticed in the telegraphic dispatches last evening from Manitoba, with reference to the opening of the Legislature there, that there is an item in the Speech from the Throne, showing that the Torrens system is to be taken into consideration by the Legislature of the province this session.

HON. MR. POWER—When we first went into committee on this Bill I expressed an opinion different from that of the hon. gentleman from Ottawa, and I regret to be obliged to say that I have not since seen any reason to alter my opinion, although the appeal made by the hon. member from Niagara did move me considerably to-day. I think that the abolition of dower is really almost an essential part of the Torrens system, and I think so for this reason, that one of the great difficulties in searching titles under the present system is that the solicitor has to know whether every man from whom the title has passed had a wife or not, and if he had a wife whether she joined in the conveyance. It is one of the most inconvenient things in connection with the searching of titles. My hon. friend from Manitoba has referred to a circumstance which we ought

to take into consideration ; that is that in the North-West there are a great many men whose wives are not with them there. A man goes up from Ontario or Quebec and buys land in the North-West, and after holding it for a year or two he sees an opportunity to dispose of it to advantage, and it would be exceedingly inconvenient to secure the concurrence of the wife in a great many cases.

HON. MR. SCOTT—Suppose the wife is with him.

HON. MR. POWER—The wife very often does not go with him. If we retain dower it seems to me that we should as a natural and logical consequence retain courtesy too; and that the other provisions, the 11th and 13th sections, I think should go out, as well as the 5th and 7th. I should like to ask the Minister of Justice what the law is in the North-West, whether the law as to the relative positions of husband and wife there is the same as at present in the Province of Ontario, or nearly the same?

HON. SIR ALEX. CAMPBELL—I believe so.

HON. MR. POWER—Then the position is this ; that under the existing law in that country and under the remaining provisions of this Bill the husband and wife are completely separate. We give her in this Bill all the property she owns when she marries, to be hers absolutely ; her husband has no right to interfere with it in any way. Why should the husband be treated differently from the wife ? Why should she be allowed to interfere with the disposition of his property when he is not permitted to interfere with the disposition of hers ? There is a good deal of force in the argument that the wife restrains the husband sometimes from making a foolish disposition of his property ; but there is also the argument that the husband might prevent her from making a foolish disposition of her property. We have passed a number of clauses making the husband and wife independent of each other, and it would be exceedingly unfair, as it has been shown that it would be inconvenient, for the general purposes of the Bill, to retain the right of the dower; and I may add, as I think I mentioned before, that some fifty years ago, dower was practically done away with in England. The wife's dower was limited to the land which the husband died seized of. Under this Bill she gets one-third of the propery her husband dies seized of, which is better than the right of dower.

HON. MR. DICKEY—I agree with the hon. member from Niagara in what he said as to their being no practical difficulty in the transferring of property in the older provinces with regard to dower, because, as a matter of fact, we who are familiar with these transfers know generally that there is no difficulty at all. It very rarely happens that such a joining in a deed is refused. For that very reason the old doctrine of dower is after all but a very partial benefit to the wife. If the question were an abstract one my feelings would be entirely to retain the right of dower to the wife ; but the difficulty I have in this matter is that if you strike out this clause you interfere with the whole framework of this part of the Bill. The House for the present purposes I may say have decided in favor of the principle of this Bill, and they have decided to make the husband and wife for all intents and purposes two separate individuals, with rights of control each over their own property ; so that the wife stands on an entirely different footing from what she did before, and as regards the question of dower, while the right is taken away from her, this Bill deprives the husband of the right of an estate for life in his wife's lands after her death and gives each the power to convey to the other ; so that I think it would be entirely inconsistent with the other parts of the Bill to interfere with this portion of it. I think that the House would be justified in retaining that clause It would simplify matters very much indeed, and if you give the wife the power to deal with her own property and give her, by another clause, at the death of her husband one-third absolutely of the land the same as she receives of the personal estate, I do not see that there is any hardship in the matter. I am therefore disposed to support the Government as they seem inclined to press the matter.

HON. MR. TRUDEL—I am disposed to vote for the amendment of the hon.

gentleman from Ottawa, because I believe that we cannot give too much attention to securing a family patrimony. Of course I agree that as to what we call customary dower—that is dower existing by the simple fact of the marriage—the effect would be to create a great obstacle to the working of this Bill, and the moment the House is of opinion that we should give the system a trial, I do not think, practically speaking, that the customary dower, or the dower as it was understood in England many years ago, is possible; but I think both interests might be secured by adopting a system which would not at all prevent the working of the Torrens system and at the same time would secure for the wife and children some property in case the husband might sustain misfortune in business. It is what we call in our province the prefix dower; it is a dower which is somewhat in the nature of a hypothec on the property, such as would be created in favor of a man lending money.

HON. SIR ALEX. CAMPBELL—We should call it a marriage settlement.

HON. MR. TRUDEL—You can call it what you like, but it would secure a certain sum which could not be expended by the husband, and in case of a wreck of the family fortunes it would secure to the wife and children something. For instance, it happens very often, when a man becomes insolvent, that he dies leaving his wife with a number of children penniless, and I cannot conceive anything fairer than the legitimate desire of a father, for instance, to secure for his daughter something to save her from want and misery in such case.

HON. SIR ALEX. CAMPBELL—There is no difficulty in doing that under the Bill.

HON. MR. TRUDEL—The difficulty will be this: the husband may give a hypothec one day, but the parties would have a right to abolish it to-morrow, and then it will have no stability. With the system of allowing the wife to dispose of any of her property—of all possible property—I do not see how an advantage of this kind can be secured, unless you give it the character of stability which it would not otherwise have.

HON. SIR ALEX. CAMPBELL—There is no difficulty in that.

HON. MR. TRUDEL—If there is no difficulty I do not see why it should not be adopted.

HON. SIR ALEX. CAMPBELL—It does not require it. Supposing a man wants to make this kind of dower, which really is, as far as I understand the hon. gentleman, a settlement which a man may wish to make on his daughter prior to her marriage, he has only to make a settlement—he has only to say that he mortgages such and such property in favor of his daughter, and then he appoints trustees to look after it, and there is a settlement as good as could be made now in a very long deed. The terms of the settlement are filed in the registry office by way of showing to all persons what the settlement is. That can be completed under the Act as it now stands. There is no occasion to amend the Act in the least for that object.

HON. MR. TRUDEL—Such a settlement would have the effect of preventing the wife from disposing of that right?

HON. SIR ALEX. CAMPBELL—Yes, as completely as it could be done now.

HON. MR. TRUDEL—It does not exist under this Bill.

HON. SIR ALEX. CAMPBELL—No, but the Bill does not interfere with the right.

HON. MR. PLUMB—You cannot create a trust which is a charge against the land.

HON. SIR ALEX. CAMPBELL—You can file a "no survivorship."

HON. MR. TRUDEL—Would it be a right belonging to the father of the woman?

HON. SIR ALEX. CAMPBELL—Certainly.

HON. MR. TRUDEL—Then the father would have the right to dispose of it after

all. A fortnight after creating the trust his son-in-law would go to him and procure a removal of the mortgage.

HON. SIR ALEX. CAMPBELL—No, because it will be in the hands of trustees, and it could not be done unless the trustees broke faith. The true trustees would be the same as trustees appointed under any other circumstances.

HON. MR. TRUDEL—I cannot see why, instead of putting the rights of the wife and children into the hands of trustees, it would not be more simple to have them secured by law. According to the system to which I have alluded, the moment this has received the character of a dower prefix it cannot be sold; the property remains for the children until they are of age, and cannot be disposed of. The moment you appoint trustees, they may be approached and influenced in such a way as to give their consent to parting with that right, and then what security would there be for the rights of the children? I think it would be far better to leave it in the hands of the law and guard it by a provision which, in my opinion, would be much more simple.

HON. MR. McCLELAN—While I am in favor of the Torrens system, I very much fear that the general tendency of it will be towards the separation of man and wife—that is to say, it provides for separate action in cases where joint action is now required. I think anything that would lead to the introduction of the system which prevails in other countries in that direction will be an objectionable policy for us to adopt. I am quite aware however, after having listened to the remarks of the hon. members from Amherst and Halifax, that in this Bill the wife can own and convey property in her own right without the assent of her husband, and without the husband being obliged to join her in the transfer.

HON. MR. PLUMB—So she can under the Ontario law now.

HON. MR. McCLELAN—If this principle is applied to the North-West Territories a wife in that country would have privileges which married women do not enjoy in any of the other provinces of Canada. That would appear from the line of argument which has been followed to-day.

HON. SIR ALEX. CAMPBELL—That is so.

HON. MR. McCLELAN—I am willing to go that far to counterbalance the effect of the other evil, which I consider is likely to spring from the too free introduction of this kind of law. But I am troubled in another direction, and I would like to have an explanation from the Minister of Justice on this point—whether if this particular clause is struck out it will impair the general efficiency of other clauses of the Bill?

HON. SIR ALEX. CAMPBELL—I think three or four clauses which hang upon this one would be affected, and it would be very inconvenient to strike out this clause.

HON. MR. PLUMB—I should like to ask if the law by which the wife holds a separate estate does not already exist in Ontario, and by parity of circumstances does not exist in the North-West also, where the Ontario system has been adopted?

HON. SIR ALEX. CAMPBELL—No, it does not exist in the direct way that this Bill proposes to put it—that is, the wife can convey to the husband by means of a trustee or third person. It cannot be done in the way that this Bill proposes to permit it—directly.

HON. MR. SCOTT—In this province the wife is perfectly independent in regard to her own property.

The House divided on the amendment, which was rejected on the following vote:—

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Hon. Messrs.

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Clemow,	Miller (Speaker),
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THE SPEAKER—The question is now on the original motion.

HON. MR. TRUDEL—I beg to move an amendment which I have written in French, but I will try to give a translation of it so that the House will understand the drift of it. I move:—

Que la Chambre ne concourre pas maintenant dans le rapport du dit comité, mais que le dit Bill soit renvoyé de nouveau au dit comité avec instruction de l'amender en ajoutant la disposition suivante à la fin de la douzième clause:

"Pourvu que rien dans ce qui précède n'ôte au testateur le droit de créer en faveur de ses petits-fils une substitution d'un seul degré."

Que la Chambre ne concourre pas maintenant dans le rapport du dit comité, mais que le dit Bill soit renvoyé de nouveau au dit comité avec instruction de l'amender en ajoutant la disposition suivante à la fin de la centième clause:

"Pourvu que ce qui précède n'empêche pas un mari de créer par contrat de mariage un douaire préfixe ou don d'une somme d'argant, avec les garanties et le caractère du douaire préfixe, dont l'usufruit sera assuré à la femme et la propriété aux enfants; lequel douire sera garan i par hypothèque sur les immeubles y affectés qui seront désignés dans le dit contrat de mariage."

Que la Chambre ne concourre pas maintenant dans le rapport du dit comité, mais que le dit Bill soit renvoyé de nouveau au dit comité avec instruction de l'amender en en retranchant les clauses onze et treize.

HON. SIR ALEX. CAMPBELL—I hope my hon. friend will not press his amendment.

HON. MR. TRUDEL—I have carefully gone all over this Bill, and I do not see how a father can make provision for his children under it, particularly when it is provided that no substitution shall exist. I do not see how a father or a grandfather will be in a position to make a provision for a child or a grandchild which will amount to a substitution. I do not see how we can say in one clause we abolish the substitution, and in another clause say that we establish the substitution. I cannot conceive such inconsistency in legislation. If I had any hope of pressing this amendment on the House, I may say at once I would divide it into three different motions; but as I do not expect that it will be adopted, and as I want to have it on record, I will allow it to stand as a notice of motion for the third reading of the Bill if there is any objection to taking the vote on it at present. I admit that it is not according to the practice of the House to put three motions—or the matter making the subject of three different motions a single motion, but I did it in this way to save time, and not to trespass upon the patience of the House. I consider our position is this; we are taking a new departure, from sound principles of legislation, which unfortunately for some of us seem not to be understood by the majority of the House; but this does not prevent the minority from endeavoring to do what we conceive to be our duty. I would be very sorry to say anything which might be construed as casting a reflection on the intelligence of the majority of this House; but the minority have been brought up with some ideas which we believe to be sound principles of law. We have a system in our province which we consider to be a perfect one, and if we desire to adhere to that system, and to those ideas, perhaps it is not altogether our fault. It may be to a great extent the fault of the greatest legal minds in England who have repeatedly said and written that the English system cannot be compared to the one we advo-

cate, and when we have the almost unanimous approval of one of the leading nations of the old world, and when we have the testimony of most of the leading men of England as to the soundness of our views, it is hard for us to abandon them, and to consent to legislation which is against our convictions of what is right without entering our protest against it. Of course the majority of the House entertain other views on the matter. I highly respect their opinions, but that does not justify me in not doing my utmost to advocate principles which I consider to be the best in the interest of the country, and giving hon. gentleman an opportunity of accepting or rejecting them as they choose.

HON. SIR ALEX. CAMPBELL—I hope the House will allow my hon. friend to put his motion now, as I am very anxious to dispose of this Bill as soon as possible and send it down to the other House.

HON. MR. POWER—I think it would be embarrassing to vote on these three amendments at once; it would be better to take them separately.

HON. SIR ALEX. CAMPBELL—I hope it will be read the third time to-day.

The amendments, having been translated, were read as follows:—

That the said amendments be not now concurred in, but that the said Bill be re-committed to a Committee of the Whole, with instructions to amend the same, as follows:—That the following proviso be added to the 12th clause:

"Provided that nothing in this Act shall deprive the testator from the right of creating in favor of his grand-children, a substitution to the first degree."

That the said amendments be not now concurred in, but that the said Bill be re-committed to a Committee of the Whole, with instructions to amend the same, as follows:—

"Provided that the preceding sections do not prevent a husband from creating by contract of marriage, a prefix dower, or making the gift of a fixed sum of money with all the guarantees and characters of the dower prefix, of which the wife will have the usufruct and the children the property, which dower prefix will be guaranteed by the hypothec of any immovable to be described in the said contract of marriage."

That the said amendments be not now concurred in, but that the said Bill be re-committed to a Committee of the Whole, with instructions to amend the same, as follows:—

By leaving out the eleventh and thirteenth clauses.

HON. MR. SCOTT—It would be better to take one at a time.

The three amendments were then put separately and declared lost on a division.

HON. MR. DICKEY—I wish to move the following amendment with regard to the clause of this Bill, which has been referred to already, which regulates the succession of a property after a will is made:

That the said amendments be not now concurred in, but that the Bill be re-committed to a Committee of the Whole with instructions to leave out the 91st clause.

The amended clause will provide for a case like this: If a man has half a dozen children and half a dozen pieces of property, A, B, C, D and E, and he wishes to give A to the eldest of his children, and so on to each one a lot, he makes his will accordingly. Under the clause as it stands that will goes to the office. Then the property vests in the administrator, who is obliged to give each one of the children a separate deed. A more cumbrous or difficult plan than that I cannot conceive. I do not see why the will itself should not be fyled and be the measure of the title of each of these parties, just the same as if it were a deed. I do not wish to go into the argument again, because I am sorry to say, in the words of a friend of mine, that we have had too much discussion—Torrens of eloquence—on this Bill. I am content to place the amendment before the House, and unless hon. gentlemen wish to have their names recorded, I have no desire to call for a division. I am content to have it declared lost on a division if the Government thinks that it will interfere with the frame work of the measure.

The amendment was declared lost on a division.

HON. MR. POWER moved:—

That the said report be not now concurred in, but that it be re-committed to the said committee for the purpose of leaving out the eleventh clause and amending the thirteenth clause by adding thereto the words "except that she shall not have power to convey the same to her husband."

The effect of that is to provide that the husband cannot convey to the wife or the wife to the husband—that she can convey to anybody but to her husband.

The amendment was lost on a division.

The report of the committee was concurred in and the Bill was then read the third time and passed.

BRANTFORD, WATERLOO AND LAKE ERIE RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (59), "An Act to incorporate the Brantford, Waterloo and Lake Erie Railway Company." He said:—This is a Bill for the construction and operation of a railway from some point in the county of Waterloo, or in the county of Halton, on the Credit Valley Railway, now leased by the Canadian Pacific Railway Company, thence to and through the city of Brantford to a convenient point on the Canada Southern Railway, in the county of Norfolk, or in the county of Haldimand, thence to a convenient point on or near the shores of Lake Erie. A petition has been presented and I believe every step has been taken in proper form. The corporators are Alfred Watts, of the city of Brantford, in the county of Brant, merchant; George Henry Wilks, of the same place, gentleman; John Joseph Hawkins, of the same place, gentleman; Thomas Elliott, of the same place, merchant; Robert Henry, of the same place, merchant; William John Scarfe, of the same place, manufacturer; Hugh McKenzie Wilson, of the same place, Queen's Counsel, and Solon W. McMichael, of the same place.

The object is to get a road that shall connect the Credit Valley system with the Canada Southern system, passing through the town of Brantford. It is proposed that the capital shall be $250,000, and the company want the usual powers that are granted to railways for similar objects.

The motion was agreed to, and the Bill was read the second time.

INTERNATIONAL COAL COMPANY'S BILL.

SECOND READING.

HON. MR. POWER (in the absence of Mr. Ogilvie) moved the second reading of Bill (51) "An Act for granting certain powers to the International Coal Company (Limited)."

HON. MR. DICKEY—I should like to have some explanation of the object of this Bill, because it appears on the face of it to be a purely local measure. The property of the company is entirely in the Island of Cape Breton and they should be dealt with entirely I think by the local legislature of Nova Scotia.

HON. MR. POWER—I think there is a good deal of force in the objection taken by the hon. member from Cumberland, but I presume the reason why the company apply to this Parliament, is that they have already been incorporated under "The Canada Joint Stock Companies Act"; and in that way they have been placed under the jurisdiction of Parliament. It will be quite competent for the committee to whom this Bill is to be referred, to report to the House whether in their opinion the company should have gone elsewhere to procure this legislation. It is a matter which can be more readily investigated in the committee than before the House, and I suppose my hon. friend has no objection to let the Bill be read now and referred to the committee.

The motion was agreed to and the Bill was read a second time.

BILLS INTRODUCED.

Bill (15) "An Act to continue the Act respecting the Albion Mines Savings Bank." (Mr. McKay).

Bill (11) "An Act to extend the jurisdiction of the Maritime Court of Ontario." (Sir Alex. Campbell).

Bill (6) "An Act to further amend the law of evidence in criminal cases. (Mr. Power).

THE INDUSTRIES AND MANUFACTURES OF CANADA.

DEBATE CONTINUED.

The order of the day having been called for resuming adjourned debate on the Honorable Mr. Macdonald's motion:

That he will call attention to the report of the commission issued by the Government last year to inquire into the effect of the tariff of 1879 on the industries and manufactures of the country, and will ask the Government whether the report will be furnished to members of the Senate and a certain number to the country.

HON. MR. KAULBACH said: Of course I was put out at having my remarks cut short the other day, and I feel some hesitation in proceeding to discuss the subject now, but the hon. member from Halifax failed to show to my mind that since the advent to power of the Government in 1878, there has not been a gradual and steady increase of the prosperity of the country. Although trade is depressed in some quarters, yet prosperity generally abounds, and I am prepared not only to show that, but that there was a gradual increase in the general prosperity of the country and a rapid development of the industries of the Dominion under the influence of the tariff of 1879. That increase, the expansion of our manufactories, I contend is largely due to the National Policy, and in addition to the development of our industrial resources, the exports of the country from our farms and fisheries have largely increased. That this has been the case must be apparent to every hon. gentleman, and the country has shown its confidence in the policy adopted by the Government, as well as confidence in the Government themselves. I say that the Government would have been recreant to the trust reposed in them in 1878, if they had failed to adopt the National Policy, which was the policy of the people and not of the Government merely. The electors had declared that the change was necessary, that they had demanded it of the Grit Government and were refused; that they had suffered long enough under one-sided free trade; and the moment the Government of the Dominion departs from the National Policy, reciprocity in trade or reciprocity in tariff, that moment they will forfeit the confidence and support of the people. Not only were the Government strongly supported on that issue in 1878, and again in 1882, but they have been ever since strengthened, from year to year, in their position by the people who have experienced the beneficial effects of their policy. From the time the late Government went into power until they left office, their strength rapidly declined; but the strength of the present Government has numerically increased, and the confidence of the people in the wisdom of the decision in adopting the National Policy remains unshaken. I ask in the face of these facts how can the hon. gentleman from Halifax contend that the people have declared against the policy of the Government? The experience, the wretchedness of the few years during which the late Government were in power are sufficient to deter the people from departing from the policy which they have since adopted and which they have found to work so satisfactorily. The hon. gentleman from Halifax speaks of the large taxation with which the people are burdened; but these taxes, I contend are not imposed on the necessaries of life, but on luxuries, and the masses of the people do not feel them. Although we have imposed large duties on the manufactured goods from other countries, not necessaries, it does not impose a burden on our people; but it saves the Canadian market to the people of Canada, gives employment to our own people and assists in developing industries which are natural to the country, and reduces taxation by millions of dollars in making tea and coffee free. If the burden of taxes has increased, the late Covernment are largely responsible for it. The hon. gentleman must remember that when his party were in power we had deficit after deficit, we were threatened with direct taxation, and the debt of the country was largely augmented, owing to bad administration and the refusal of protection to our country's industries. My hon. friend has referred to the United States, and his references to the unbounded progress of that country leads me to believe that he approves of the high protective policy, the National Policy which the United States have adopted, and under which they are mighty

and prosperous. He has spoken of the increase of population and the development of manufacturing industries in that country, and the vast immigration that has flowed in there during the past quarter of a century. If the United States is labouring under a heavier taxation than any other country in the world, and heavier duties on manufactured goods than we have in this country, why should the people of free-trade England and the Continent rush over to the United States in thousands and hundreds of thousands as they have been doing since 1848, the period to which my hon. friend refers? It evidently shows that the people are suffering from the free-trade policy of Great Britain—that they cannot find sufficient employment and inducement in free-trade to remain in their own country; they found it to their interest, and to be saved from starvation, to emigrate to a country where industries and labour are protected by a high tariff, and where there was a rapid advancement in the prosperity of those who settled there. The hon. gentleman in explaining the increase in the wealth of that country tells us of the 250,000 immigrants in one year going into the United States, but as I have said, they have not come in under a free-trade policy, but a policy which has protected the industries of the country, and gives a fair day's pay for a fair day's work.

HON. MR. POWER—My hon. friend will please excuse me; he is leaving out of sight the fact which I referred to, that from 1848 to 1860 they had not a protective tariff in the United States, and at that time the immigration was coming in as largely as it has done at any time since then.

HON. MR. KAULBACH—My hon. friend referred to a period since then—to a period within the last fifteen years, and I hope my hon. friend when he interrupts me again will do so with something relevant to my argument. My hon. friend must know that the United States adopted protection long before 1860 But my hon. friend in his remarks said that those people who emigrated from free-trade Britain to the United States were worth $1,000 each adult, to the country to which they came, and 250,000 immigrants going in there in one year represented $250,000,000 added to the wealth of the country. Admitting that all immigrants coming into the country are not adults, I ask him what benefit the Dominion has gained since the advent of the present Government to power by immigration? As another proof of the prosperity of this country, now, if we refer to the immigration statistics we will find that during the whole period of the late administration they only succeeded in bringing into the country some 200,000 immigrants, at an expense of about $14 a head, and the majority of them left this country. That was under what we call the jug-handled free-trade policy; but as soon as the present Government came into power, immigration in the first year amounted to over 60,000, at a cost of about $6 per head. I take from the report of the Minister of Agriculture, as follows:

The immigration into Canada, including through passengers to the United States, and the number of settlers in Canada since and inclusive of 1878, have been as follows:

Year.	Total Immigrants.	Settlers.
1878	40,032	29,807
1879	61,052	40,492
1880	85,850	38,505
1881	117,016	47,991
1882	193,150	112,458
1883	206,898	133,624
1884	166,596	103,824

These facts show that the people of free trade Great Britain are not afraid of our National Policy, and it shows what a protective policy has done for the country and what is necessary to be done to develope our fertile lands in the North-West. I ask my hon. friend, how much greater would have been this prosperity, and how much larger the immigration into the country had it not been for the policy of the Opposition to falsely and maliciously decry the resources of Canada and to show, if possible, that the lands of Minnesota, Dakota and other Western States were better than those of Canada; that our people were flocking into the United States; that the Canadian Pacific Railway was a failure, and that the lands along the line were for hundreds of miles worthless? How much greater would have been the immigration into this country and how much greater would have been

our prosperity were it not for the policy of the Opposition to decry the credit of our country and put it in its worst ight, even at the sacrifice of truth, before the nations of the world, it is not difficult to see. I must say that such false cries, stimulated and encouraged by such speeches as that of my hon. friend from Halifax himself, have gone and must go a long way towards destroying that general prosperity which we and all true patriots are desirous of maintaining. All the facts and figures taken from reliable official reports which have been shown by my hon. friend from British Columbia and others who favor the National Policy s to the increased prosperity of the country in the development of her industries, have acted very much like the flaunting of a red flag in the face of a bull. Our in creasing prosperity appears to have excited and enraged the hon. gentlemen of the Opposition; they would destroy everything and seem to be desirous to step into power on the ruins of their country. If hon. gentlemen ever hope to attain to power again, it can only be by a change of their present policy of destruction—a policy that would ruin every industry in the country and drive our fishermen, our manufacturers, our mechanics and our laborers to starvation. I say if they ever wish to regain the confidence of the people they must abandon their policy of decrying the resources of the country and show that they have some faith in the future of the Dominion, and must adopt the policy of reciprocity in trade or tariff with the United States. My hon. friend (Mr. Power) in talking of the increase in the Savings Bank deposits had the audacity to say that it was not an indication of prosperity in the country; that those deposits were rather an indication that money could not find profitable investments because of stagnation in business and business enterprise, and that the people were glad to deposit money in the Government Savings Banks at small interest for safety. It shows the people trust the Government and have faith in it; but if my hon. friend knows anything of Halifax or Nova Scotia in general he should have known that these deposits largely represent the savings of the industrious farmer, laborer, mechanic and fisherman—their surplus earnings—what they have saved through the National Policy, put by from year to year in the savings bank or to invest in something, or for a wet day when unable to work. Where do those earnings come from? Were they acquired during the time the friends of the hon. gentleman were in power? I say not; I say they have largely accrued since the present Government came into power, by our protective policy, and that our people saved nothing under the administration of the late Government. My hon. friend will recollect that during the period the Grits were in power, wages were very low and employment was scarce, not money enough to pay rent and taxes, and it was all the laborer could do to drag out a miserable existence, and take even his small wage in truck at the stores, and even then he paid more for the necessaries of life than he does at the present day. The people well remember those sad days of Grit rule My hon. friend from Alberton has shown us that nine tenths of the deposits of the savings bank of Prince Edward Island have come from the laboring industrial classes of that province; that it represents the savings of the farmer, the farm laborer, the mechanic and the working classes generally, and, as I have already said, it shows their confidence in the Government and our country. The balance to the depositors in the Government savings banks of Nova Scotia, New Bruswick and Prince Edward Island in 1878, the last year of Grit rule, was but $4,371,310, whilst the balance in the same banks at the end of last year was the largely increased sum of $12,312,675.

My hon. friend would make it appear that all this accumulated wealth does not indicate prosperity in a country, but I will give him an authority which the hon. gentleman considers to be a good one—the gentleman who is put forward as the financial oracle of the Reform party, Sir Richard Cartwright, but who was years ago styled by their chief organ, a "mixer and muddler." When he, Sir Richard Cartwright, went to England in 1875 to negotiate a loan, he, in a published circular, showed that the amount of deposits in the savings banks of the country was an evidence of the prosperity of the great mass of the people. He said:—

"It may not be out of place to glance at the amounts, in round figures, standing at the credit of depositors in the Post-Office Savings

Banks and the chartered banks of the Dominion at the close of each fiscal year since, and inclusive of 1875:—

Year.	Post Office Banks.	Chartered. Banks.
1875.....	$2,926,000	$55,918,000
1876	2,741,000	59,516,000
1877.....	2,640,000	58,444,000
1878.....	2,754,000	58,946,000
1879.....	3,105,000	58,659,000
1880.....	3,946,000	69,742,000
1881.....	6,208,000	78,078,000
1882.....	9,474,000	77,078,000
1883.....	11,976,000	89,553,000
1884.....	13,245,000	87,341,000

"In addition to the Post Office Savings Banks and the chartered banks the returns of the Government Savings Banks and of the various loan and investment societies show a steady increase in the amount of annual deposits."

HON. MR. MACDONALD (B. C.)—That increase is called an indication of poverty by the hon. gentleman from Halifax.

HON. MR. KAULBACH—Yes, but when Sir Richard Cartwright went to England to borrow money he presented it as indisputable evidence of the prosperity of the country, and Sir Richard Cartwright was then, and yet is, the oracle of the Grit party on finance. Does he now believe that these largely increased deposits in the savings bank represent the productive wealth of the country, or does he see in it an indication of stagnation in the industries of the Dominion? My hon. friend from Halifax will not venture, nor will my hon. friend from Charlottetown (Mr. Haythorne) venture to say that Sir Richard Cartwright was wrong in the position he took in 1875, that our prosperity was shown by the amount of our deposits in the savings banks of Canada. Since that time the deposits have, as I have shown, largely increased, and any hon. gentleman whose eyes are open, and who knows anything about his country, must be convinced that these deposits represent the earnings and savings of the working classes of the community—earned and saved, the greater portion of it under the operation of the National Policy. Therefore I contend, that when my hon. friend from Halifax ventures to deny that the prosperity of the Dominion has not been largely due to the National Policy, he is shutting his eyes to the facts, and to the logic of events, and is endeavoring like my friend (Mr. Haythorne) to bolster up his position with book theories of the Cobden school, which may apply, under certain circumstances, to older countries, but are not suitable to the requirements of a young and undeveloped country such as ours, whose infant industries must be fostered and are of little effect when compared with the practical and profitable results of the operation of a different system in the foremost nations of Europe, in Canada and in the United States. My hon. friend from Halifax referred to the fact that the present Government when they adopted their tariff in 1879, and previous to that, gave as a reason for the adoption of a national protective policy, that it would be a means by which to obtain reciprocity of trade with the United States. The Government, as every reasoning man must see, were right in that contention, for if we had nothing to give to the United States in exchange that they did not have already, how could we expect to obtain reciprocity from them? The policy of our Government was if possible to have reciprocity of trade, in the natural products of both countries, and if not we should have reciprocity in tariffs. My hon. friend complains that the Government have never taken any means to carry out their promise to secure another reciprocity treaty with the United States. It is a question to my mind whether we would have been better off under a reciprocity treaty up to the present time than we are now. I believe that under the present system the people have gained confidence in themselves and their own resources, and we have built up native industries which we would never have been able to establish in this country if we had reciprocity with the United States. But my hon. friend is wrong in stating that the Government have made no efforts to obtain reciprocity: the policy of the Government was to secure reciprocity of trade or reciprocity of tariffs. The tariff of 1879 was conditional—that natural products of the country should be placed on the same footing as the natural products of the United States, and the Government took that power to themselves to provide a reciprocity of exchange in natural products of the country as soon as the United States were ready and willing

to make any such arrangement. The record shows that the Government have done everything that they could do, with honor to themselves and the country they represent, to bring about reciprocity of trade in the natural products of the two countries.

HON. MR. POWER—What did they do?

HON. MR. KAULBACH—I have just explained, in the hearing of the hon. gentleman that by our Customs Tariff Act of 1879 they made it conditional that the moment the United States were ready to enter into a reciprocity treaty for the exchange of the natural products of the two countries, the Government took power under that Act to meet them on that ground and to arrange for it without first appealing to Parliament. The Government could do no more than that. It is impossible that they could have done any more. We know that the Hon. George Brown was sent down to Washington in 1874 by the Government of that day—I was over with him at the time; we know his failure, we know what kind of a treaty he attempted to secure. His offers were such as our Maritime Provinces people would not accept. But the Government of the United States repudiated it, and are we now to go on our knees and beg for, and thereby expect to obtain a fair reciprocity treaty from them? Is that the way to get reciprocity with the neighboring republic—by going on our knees and begging them, for the sake of our country, to renew a reciprocity treaty! Never in that way can we obtain anything of the kind, even though it were consistent with our position. They abrogated the last treaty—and know too well our disposition regarding reciprocity. It is absurd to expect, as my hon. friend from Halifax thinks, and as he says the Chamber of Commerce at Halifax seems to think, that our Government should first move in the matter and is to be reproached for delay, under the circumstances, of a change of administration in the United States, when a new government is coming in, and as yet hardly settled in office. That is not the time for the Government of Canada to offer to negotiate a reciprocity treaty with them. My hon. friend has too much common sense to think that our Government should attempt anything of the kind under the circumstances. If they did so it would only be a failure, and instead of advancing the prospects of a reciprocity in the natural products of the country in the future it would only injure it by our too hasty action. My hon. friend referred to the condition of the sugar industry; I ask him would he support a government to-day that would do anything towards lowering the protective duties on refined sugar? I do not think my hon. friend would be recreant to the interests of Halifax, from which he comes, by opposing the policy which the Government have adopted towards the sugar trade. I now ask him again would he go recreant to the policy which the Government have adopted with respect to the cotton industry?

HON. MR. POWER—Certainly I would

HON. MR. KAULBACH—The hon. gentleman would on cotton, but he would not on sugar; it is too sweet a subject for him and Halifax to raise an opposition on. He knows how the trade from the West Indies has increased under our National Policy, that whilst our imports from the West Indies entered for consumption for the five years ending in 1878 were only $8,394,908, since 1879 it amounted to $18,759,869. My hon. friend must be silent as to sugar and the West India trade. It is true there has been a depression in the cotton manufacturing industry, but I do not admit that that industry has been a failure as far as Nova Scotia is concerned; we at least have cheaper cotton goods. I would ask my hon. friend again if he or any of his friends are prepared to advocate the abolition of the protective duties on sugars? He knows that he dare not do it; he knows that it would ruin the West India trade, and that the trade of Halifax depends largely on the sugar trade with the West Indies. He knows that it is due largely to the National Policy that this trade has revived, and as I have shown has largely increased within the last five years, and sugars were never before so cheap to the consumer. During the time of the Mackenzie Government, when 90 per cent. of the sugars used in the country were brought to us from the sugar refineries of the United States, our ships loaded

with cargoes of fish for the West Indies had to find a return freight to the United States or return home in ballast. To-day our vessels load with the products of our fisheries and our forests for the West Indies where they must find a market, and may return direct with cargoes of raw sugars for the use of our refineries. Now 90 per. cent of our sugar comes raw from where it is produced and our people refine it. My hon. friend says the trade of Halifax is a failure; but he does not say that the depression in the sugar trade is from the effect of the National Policy. He knows that any depression there is in that trade is because of the competition of the bounty-fed manufactures of other countries, and because of a want of judgment and good management in the operation of our own sugar refineries. We believe that there would be a large profit in running one of those refineries in which, I understand my hon. friend from Halifax was a shareholder; but we placed it in the hands of directors who did not properly understand the business—who employed a crazy man or a rogue as manager, and through want of judgment, foresight and other causes the sugar refinery went down. We know the reason why sugar refining last year did not realize a profit. We bought our raw sugar on a falling market believing that prices would not go down any lower; but instead of stopping where they were, prices went down further. Through bad judgment we bought too soon, and through that want of foresight the Halifax refinery lost over $200,000. I am glad to say that that loss was sustained not entirely because of the competition of bounty-fed foreign sugars so much as through want of foresight in buying the raw material in a falling market. I am glad to find that my hon. friend from Halifax is a protectionist as far as sugar is concerned.

HON. MR. POWER—Not at all.

HON. MR. KAULBACH—I ask my hon. friend is he not a protectionist as far as fisheries are concerned? Would he advocate the abolition of the bounties paid to our fisheries to-day? I say he dare not do so although it is the highest kind of protection—an abnormal protection—and I ask him if he is prepared to abolish those bounties?

HON. MR. POWER—I contend that while under the National Policy everything that the fisherman consumes is heavily taxed, there is no reason why he should not have a bounty to compensate him. You take the taxes off the necessaries which he consumes, and then I say abolish the bounties.

HON. MR. KAULBACH—You know it is not so. The tea and coffee which the fishermen and others use are not taxed; the tinware they use is not taxed; the twine they use is not taxed; the salt they use is not taxed, and other necessaries of that industry are either not taxed or are relieved by drawbacks, and the hon. gentleman cannot contend that in other articles the fishermen are more heavily taxed than their neighbors. I say that instead of their being taxed to the same amount that other people of the country are, that special benefits are given to them, and fishermen and all industrious classes are less taxed than ever before. I ask my hon. friend if when the fishery clauses of the Washington Treaty are annulled, he is not prepared to continue our protection to the fisheries of the Maritime Provinces.

HON. MR. POWER—Certainly.

HON. MR. KAULBACH—Of course. The moment you test my hon. friend by surrounding circumstances and by the logic of facts he is forced to admit at once that he is a free trader only in theory—that in the interest of Nova Scotia's industries he must be or profess to be a protectionist. His free trade theories are all very well when applied to abstract questions, but the moment you come to Nova Scotia, and Nova Scotia interests, he knows that his theories must be thrown to the winds, his party cries hushed, and that our fisheries and our sugar and other industries must be protected, and that our country must not be made a slaughter market of for the products of the neighboring Republic.

It being now six o'clock I move that the Debate be adjourned.

The motion was agreed to.

The Senate adjourned at six o'clock.

THE SENATE.

Ottawa, Monday, March 23rd, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

THE CASE OF LIONEL GARNHAM.

INQUIRY.

HON. MR. HAYTHORNE rose to call attention to the inquiry made by him last session in regard to the case of Lionel Garnham, a fish warden on Winter River, Queen's County, Prince Edward Island, who was seriously and permanently injured in the performance of his duty; and to ask the Minister of Justice whether it is intended to make the said Lionel Garnham any compensation for the injuries so received?

He said:—It will be within the recollection of many members of this House that last year I brought the case of the man to whom I now call attention before the Senate. Lionel Garnham, while acting in the capacity of a fish warden on a river in Prince Edward Island, while in the performance of his duty, was seriously assaulted by three fish poachers, having their faces blackened and using the implements of their occupation, torches and spears. They had killed a number of fish and Garnham very bravely and very properly attempted to seize them and stooped down to do so when he was struck by one of the men and brutally assaulted. They left him lying on the ground and went away, but thinking he had not received enough punishment returned and beat him again and left him lying senseless. He lay there for some time, but managed, on recovering consciousness, to make his way home and was then taken to Charlottetown where he lay under medical treatment for several months. I may say for a whole year he failed to recover his general health, and although it is now restored his left arm is useless—as perfectly useless as if it had been amputated. Knowing the facts of this case familiarly, I brought it before the attention of this House and the members of the Government, being of the opinion, as many others were, that a man who had suffered so much in performing his duty was certainly entitled to some recognition from the Government of his country. His injuries were received in the service of the public. I put a motion on the papers last session calling attention to the subject, and the Minister of Justice informed me that he would attend to it. Seeing that no steps were taken in the direction I have suggested I put this inquiry on the paper, and I trust that the Department will take a liberal view of this case, seeing that the man acted in a courageous, prompt and decisive manner, and that his injuries were received purely in the public service. I am sure that everyone who hears me will concur in my opinion, that Garnham deserves not only recognition of his services, but compensation for the permanent loss of one of his arms. Having made those few explanatory remarks, I now ask the question of which I have given notice.

HON. SIR ALEX. CAMPBELL—In reply to my hon. friend's question, I may say that it is intended to make Lionel Garnham compensation for the injuries which he received on the occasion referred to. The attention of the Minister was called to the fact at the time and immediate steps were taken to provide the necessary care and medical treatment for this officer. It is proposed now that the compensation should take the form of an increase in salary. I agree with the hon. gentleman in hoping that that increase may be a substantial one, and may compensate Garnham for the injury he received whilst discharging his duty in the manner described by the hon. gentleman. Before coming here to-day, I endeavored to get some idea what the compensation might be so that I might mention it or indicate closely what it might be, but I have not been able to do so. All I can say to my hon. friend is that I agree that the man should receive something. I am able to state that the Department will compensate him and that the compensation will be in the form of an increase of salary but what the extent of the increase will be I am not able to say.

HAMILTON PROVIDENT & LOAN SOCIETY'S BILL.

THIRD READING.

HON. MR. TURNER moved the third reading of Bill (J), "An Act to comprise in one Act a limitation of the share and loan capital of the Hamilton Provident and Loan Society."

The motion was agreed to, and the Bill was read the third time and passed.

SUMMARY PROCEEDINGS BEFORE JUSTICES AND MAGISTRATES BILL.

SECOND READING.

HON. MR. GOWAN moved the second reading of Bill (L), "An Act to make further provision respecting summary proceedings before justices and other magistrates." He said: The subject is of great practical importance and affects a large branch of the administration of criminal justice. The measure is outside of the domain of politics and has nothing but its intrinsic merits to recommend it to the favorable consideration of the House. It has none of the spicy character of political subjects which sometimes are served up. The House has listened with great patience to very long speeches on such subjects, and I hope that I may be able to secure attention for a short time while I point out what I consider to be a defect in the law, and propose a remedy. At the time we introduced the criminal law of England into the several provinces of Canada we adopted with it also the summary method of conviction by justices out of sessions which had for a very long time been in familiar use in England, from the reign of, I think, Charles II. The ground upon which the jurisdiction was originally intrusted to magistrates was its convenience in preventing persons being kept a long time in custody before they were tried, and also on account of the distances of court houses and towns where trials took place. The reasons which existed for the introduction of summary procedure in England prevailed more forcibly in Canada where the distances are greater, the court houses fewer and the population sparse and widely scattered. In addition to that, there was a strong feeling, perhaps stronger here than in England, in favor of decentralization in administration from the peculiar necessities of a new country. However, that may be, the jurisdiction originally introduced when we adopted the law of England has been continued to the present day, and scarcely a year has passed from the time that Parliament commenced its sessions without adding very largely to the jurisdiction of the magistrates. Their power for summary trial and punishment of offenders by fine and imprisonment has gradually expanded to enormous dimensions, and the statute law of the country has heaped upon them an infinite variety of business. I believe I am safe in estimating that cases coming before magistrates for adjudication outnumber those coming before the ordinary criminal courts of record in the ratio of at least ten to one. The gentlemen who are entrusted with this important and extensive jurisdiction, in my own province of Ontario, number some 10,000, and I believe they are very numerous in other provinces of the Dominion. I have endeavored to ascertain the numbers in the various provinces, and from all the information I have been able to glean, throughout the Dominion of Canada, they would probably number between seventeen and twenty thousand. I can speak positively as to the number in Ontario. In 1878 there were 9,722 in the province, and probably —almost certainly — they are now ten thousand in number. I estimate the number in Quebec at 4,500; in Nova Scotia and New Brunswick, together, some 2,400; in Prince Edward Island, I am informed, there are about 600, and in Manitoba and British Columbia four or five hundred, so that from seventeen to twenty thousand is not too high an estimate for the number of men that are actually engaged in exercising this important jurisdiction. It must be obvious that it is difficult, in a country such as ours, to find in all cases, competent men, or to induce the most capable men in the community to accept the office of a justice of the peace, with all the responsibilities, and practically without remuneration. The magistracy is for the most part composed—I still speak of my own province—of well-to-do farmers, with

some merchants and persons engaged in trade, and a small sprinkling of professional men—on the whole, men fairly qualified, men of good sound common sense. Hon. gentlemen will be aware that an enormous amount of criminal business is transacted in the magistrates' courts of the country. Justices of the peace have in the present day, under the laws of the Dominion, very large powers, not only for the apprehension of offenders, but also, as I have already mentioned, for the trial and adjudication of offences partaking of a criminal character. I need not speak of their ministerial duties, but from 400 to 500 offences are made subject to the summary jurisdiction of justices of the peace for trial and determination in the manner provided by law. In England not less than 2,000 cases are so determined, but then the poor laws and several laws not enforced in this country contribute very largely to this aggregate; but I think I am perfectly safe in saying that the number of cases I have mentioned come within the jurisdiction of magistrates. Provisions for committing cases to magistrates for trial are to be found in acts all through our statute books, but especially in the more important acts which were consolidated by Sir John Macdonald in 1869, such as acts relating to offences against religion; to offences against the person; respecting larceny and fraudulent acts; in relation to malicious injury to property; to threats and intimidation; to cruelty to animals; relating to the improper use of firearms; touching the preservation of the peace in the vicinity of public works and at public meetings; respecting escapes and rescues; the several acts relating to public departments, and in a variety of other statutes. Most of the offences I refer to are of a minor nature and are cognizable only before a justice of the peace. I must say, speaking from my own experience in the Province of Ontario, that on the whole their administration of the law has given satisfaction and of late years, in consequence, doubtless, of our excellent school system, a great improvment has taken place. These men are fairly competent to deal with the facts of a case, may be able to examine witnesses carefully enough, conduct their proceedings in an orderly manner, and generally arrive at correct conclusions upon evidence, and exercise a sound discretion in respect to punishing; but when they come to formulate their findings, to put them in the shape of a formal conviction, then comes the trouble. In two cases out of every three they fail to meet the exact requirements of the law, the nicety which is requisite, and so their convictions are liable to be quashed when brought before the courts.

It may seem a simple thing to draw up a conviction or warrant with the statute under which it is made before you, but it is not so, and cannot be so, for reasons to which I will advert. Even the most experienced judges have differed upon points growing out of them, and I dare assert that there are many statutes that it would puzzle the ablest lawyers in this House to frame convictions under. Yes, I would take my hon. friend the Minister of Justice, my hon. friend from Ottawa and the hon. member from Amherst, with all his great experience, and all the acuteness and clearness of perception which he has so constantly proved in this House. I would give them a couple of hours to do the work, with only the statute before them, and I would venture much against their draft of conviction being able to stand a severe criticism—that is, such a one as an able and sharp lawyer like my hon. friend opposite would make. He would probably be able, legally, to tear it into tatters and show it to be insufficient in law. But then he would scrutinize it, every line and letter, with a microscopic eye and would do so in the strong light of adjudged cases, working with all his books before him. The same power of summary conviction is exercised by justices of the peace in the British Isles, but there every magistrate's court has its clerk, always a lawyer, trained to the special subject. The justices there have nothing whatever to do with the preparation of forms, their clerks do all that, yet even with such an officer, the reports show numerous cases of convictions quashed for defects in form. What then can we expect with the vast army of Canadian justices of the peace, with no clerks to help, no books to refer to but the statutes, no counsel to advise? Can you wonder if they fall into error, and their convictions are quashed, though the case

may be rightly tried and determined on the merits? The power of summary convictions has always been subject to a very severe strain, from the extreme exactness required when they are brought before the courts, as they may be on certiorari, for the purpose of being examined by the court. They must not only be full, as well as correct in every particular, and clearly bring the case within the meaning of the particular Act, but must be positive, and the judgment appropriate. The offence cannot be charged disjunctively. All the facts must be set out necessary to support, and not left to be gathered by inference or intendment. Convictions are always strictly construed—nothing is supplied that does not appear on the face; indeed, even more exactness is necessary in a conviction than in an indictment, because the proceedings are out of the course of the common law. Not so, however, in respect to the process of the Superior Courts. Everything is presumed in favor of the regularity of their proceedings. Can it be wondered at, then, that under these severe tests convictions are often quashed on technical objections, when it is remembered that they are prepared by men without any legal training? Now, some hon. gentlemen may think that surely the judges could help and prevent failures of justice. They can do so to a very small extent under the law as it is. The judges often, most unwillingly, give effect to technical objections—I say unwillingly, for while they may feel that by doing so there is a miscarriage of justice—substantial justice defeated—the judge's duty is to administer the law as he finds it. He is not at liberty to make law; that belongs to Parliament. He can but declare what the law is upon objection taken in the particular case. Now, what is proposed by this Bill is to remedy this, so far as it is practicable and safe, and to give the judges large discretion in dealing with cases of this kind. Such discretion may be safely entrusted to them, and it will be the means of removing a great reproach from the law. While in former days, when men had to come fifty or one hundred miles to get a lawyer, there was less thought of trying to upset a magistrate's decision. Now, lawyers are, I may say, almost as plenty as blackberries, and I have never heard that they were unwilling to exercise their sharp wits when men approached them in the right way.

The law as it is invites, on some slight departure from form—some purely technical form—assaults of this kind, upon imperfectly drawn conviction, however righteous the decision. I by no means wish to deprecate the value of an adherence to forms, and regularity in proceedings, but I think it an evil when in any quarter the means are in effect substituted for the end, the forms of justice made paramount to justice itself..

This defect in the law, these evils which I have pointed out, the Bill is designed to remedy by bringing this branch of law into harmony with the principles now generally recognized; that courts of appeal may amend or alter, in fact do almost anything to get over mere technical objections, and according to the very facts pronounce on the merits as justice may require. I will go over the Bill in a general way so far as seems necessary to explain the principle, and on another occasion may have to refer more minutely to details.

The 1st clause of the Bill merely defines, for convenience sake, who shall come within the purview of it under the name of "justice" or "justices of the peace," and it also includes certain officers who exercise the power and authority of justices of the peace. The 2nd clause is the chief one of the Bill. At present everything is presumed in favor of a court of record. The presumption is the other way in respect to the proceedings before justices of the peace, and so opportunities very frequently occur of miscarriage of justice on account of some technical objection. The object of this clause is to secure the punishment of an offender notwithstanding the justice of peace may have made some mistake in the form of the conviction. If the offence has been committed the law should not be set at nought because the justice may have acted irregularly. The section is as follows :—

"2. No conviction or order made by any justice of the peace, and no warrant for enforcing the same, shall be held invalid for any irregularity, informality or insufficiency therein; Provided, that the court or judge before which or whom the question is raised is, upon perusal of the depositions, or by affidavit, satisfied that an offence has been

committed over which such justice has jurisdiction, and that the punishment imposed is not in excess of that which might have been lawfully imposed for the said offence; and any statement which, under this Act or otherwise, would be sufficient if contained in a conviction, shall also be sufficient if contained in a warrant.

The 3rd clause is just an amplification bringing out clearly the intention of the preceding enactment.

The 4th section is to enable a matter to be stated in more than one way, so that information may be laid conjunctively or disjunctively, the same as in an indictment.

The 5th clause is for the protection of justices, and is similar to an enactment of the Legislature of Ontario. At present judges can merely deal with cases before them in such a way as partially to prevent actions being brought. This clause gives them full power, in case they think the matter may warrant it, to provide that no action shall be brought against a magistrate or an officer acting under a warrant in certain cases.

The 6th clause is merely a re-enactment on a statute of George II by which parties sueing out a certiorari are required to give sureties. This is not always noticed by magistrates, and some practitioners I believe are quite unaware of its existence, in point of fact it is sometimes omitted, and unless it is brought to the attention of the judge it might not be noticed ; but as it is law. In order to bring it clearly before magistrates, I propose to insert it here.

The 7th clause requires that there shall be no certiorari where an appeal is taken. At present a person may go before an ordinary court of appeal where the facts are tried and also before a superior court by certiorari. I think that instead of running concurrently, the appeal should be limited to one of these, that if a person goes before a court of appeal, he should not be allowed to bring a case by certiorari in the superior courts. Therefore I propose by this clause that the appellant shall decide which remedy he is to take.

The 8th clause is one that will commend itself, I believe, to everybody.

The last clause, instead of requiring the ceremony of sueing out a writ of *procedendo* to enable the party to go on, allows the proceedings to be continued on the order of the judge. I have had the matter some little time under consideration, and I hope the House will see the necessity of some such enactment as this. I have had the advantage of an interview with the Minister of Justice with respect to this Bill and was very glad to find that it met with his approval. I would have distrusted my own judgment if I had found that his differed very materially from mine on the subject. I have spoken to several gentlemen who have acted as magistrates and they think that it will be an excellent measure. My hon. friend who will second the motion that the Bill be read the second time has had many years experience as a magistrate, and on several occasions has been commended by Ministers of Justice and judges for the admirable and orderly manner in which he has conducted his proceedings. He feels that this will be a good measure, and he has had a very large experience. So it has received the approval of the Minister of Justice and my hon. friend behind me (Mr. Flint), and having myself had some opportunities in the past of seeing how these matters worked I have less distrust in submitting the measure to the House.

Hon. Mr. BELLEROSE—I do not rise to make any opposition to this Bill ; on the contrary, I believe this is a very good measure in many respects, but I rise to take exception to one of the first clauses. I do not see why, in places where two magistrates are sitting, that the same privilege should not be extended, because it might be said that it would be equally dangerous not to have an appeal by writ of certiorari from the conviction of two magistrates as from the conviction of one. It is well known that as our laws are at present administered there are many wrong convictions, because very frequently men who are appointed to that position are not men learned in the law. It is well known that great difficulties are put in their way, and it is very seldom that convictions made by them when appealed to the Superior Court are not quashed. Therefore I say that every opportunity ought to be given to have such judgments revised by the Superior Courts. If there is no objection, I do not see why this first clause should not be struck out, and let the word "justice" apply to two justices as well as one.

HON. MR. SCOTT—It is only an interpretation clause. It affects all cases, whether before one justice or two justices. Inasmuch as the word "justice" continued through the Bill it was necessary to have an interpretation clause so that if the case came before a stipendiary magistrate or a police magistrate, or any person having the power or authority of two or more justices of the peace, it would apply.

HON. MR. BELLEROSE—In the Bill it reads:

"1. In this Act the expression 'justice' or 'justice of the peace' includes any two or more justices of the peace, and also a police magistrate and a stipendiary magistrate, and any person having the power and authority of two or more justices of the peace."

That would show that it is two or more justices of the peace, and it is to that I take objection, because I say it is more necessary to declare that in the case of one justice of the peace, provided that no injustice is shown, and provided that he has not gone beyond his jurisdiction, the appeal ought not to lie, and the certiorari ought to be disallowed.

HON. MR. GOWAN—I am afraid I have not made my remarks understood. The certioari is a matter of right, and the object of that clause is simply to prevent a conviction being set aside, whether made by one magistrate or two magistrates, or any one having the power of two magistrates, provided the court thinks that substantial justice is done.

HON. MR. BELLEROSE—If it is to be understood in that way I have no objection to it.

HON. MR. DICKEY—I have been under the very great disadvantage of having but imperfectly heard the explanation of the hon. gentleman who has charge of this Bill, and I regret it the more as no doubt from his long experience as a county court judge he can make valuable observations which are entitled to the serious consideration of the House. My attention has been called to this Bill only very recently, and I have taken the trouble to look at the Act to which it proposes to be an amendment. I venture to call the attention of the House to that Act in order to ascertain from my hon. friend if he can show us that there is any necessity for this Bill—the chief part of this Bill—that more particularly which relates to the question of convictions being set aside on mere formal objections. In the Act which this proposes to amend, an Act passed sixteen years ago, there are very extensive enactments made to cover the whole case, according to my view of the law. If my hon. friend would look at that Act, I would refer him to the sections; it contains provisions that no conviction shall be quashed from any irregularity or any defect in the conviction in substance or in form. And it goes further than this Bill goes, because the Act is to this effect, that any variance between the evidence and the warrant or summons or information shall not be valid, and then there is a further enactment that if there be any variance as to the question of time or place, these objections shall be of no consequence.

HON. MR. KAULBACH—That applies to indictments.

HON. MR. GOWAN—There are two remedies; that applies only to appeal.

HON. MR. DICKEY—I am merely calling the hon. gentleman's attention to this: I am speaking now of the Act of which this is an amendment, and not of the general criminal law, and not of indictment. I am speaking by the book—I am speaking of the Summary Convictions Act.

HON. MR. GOWAN—I do not propose to deal with that at all.

HON. MR. DICKEY—As my hon. friend from Barrie will see, my object in rising is to ask for the reasons—the necessity for this Bill—and I call his attention to the existing law, and I hope that the House will at all events have the benefit of the intelligence and the foresight of the Minister of Justice, who is peculiarly charged with the care of the criminal law in this country, and it is perhaps just as necessary for me to guard myself by calling his attention, as well as the attention of the hon. gentleman from Barrie, to this. The existing law makes

provisions for cases of appeal, and it also makes provisions that no conviction shall be quashed on appeal for any such reasons as I have already adverted to—that is to say, any defect in form, any irregularity, or any variance between the different proceedings in the suit. Now with regard to the question of certiorari I do not exactly like the 6th clause. I think my hon. friend has made it a little too stringent, and I would propose that with regard to the writ of certiorari it is a proceeding to protect persons from undue prosecutions, and to give every man who is entitled to it a hearing in the court above, on appeal from the court below. With regard to certiorari a man who obtains it has to make an affidavit, and has to show fully, to the power that grants the certiorari, that the writ ought to issue. He has to do more than that; he has to give security that he shall abide by the decision of the court and pay all the results of that decision in the shape of fine and costs, and that may be more or less. It may be a sum of $20 or $50 or $75 or $100 or more, but my hon. friend before he allows any person to issue a certiorari on proceedings of this kind, proposes that he shall first give security in the large sum of $200 with the same conditions. Now that may be a very trifling matter to gentlemen in certain conditions of life, but with regard to the people who come before those magistrates in the courts below—and I have had some little experience of them—they are generally of a class with whom $200 is a matter of considerable importance, and it may in certain cases amount to a denial of justice to a poor man to be compelled to give security for the large sum of $200 before he can get a re-hearing of his case. There is therefore that objection to that clause to which I think it right to call the attention of the gentleman who has charge of the Bill. There are other matters which as they are mere matters of detail, including that one which has just been adverted to on the other side of the House, on which I do not wish to say anything at present; but with regard to the necessity for this legislation I should like to have some explanation, and perhaps I might save the trouble of getting it from the hon. gentleman who has charge of the Bill, by calling the attention of the Minister of Justice to it specially in view of the fact that we are about to consolidate the laws, and whether this is a matter now to legislate upon in view of that consolidation. I therefore merely throw out this notice to the House, and ask that the attention of the Minister of Justice should be called to it before the Bill goes to the committee.

Hon. Mr. GOWAN—I am sorry that I have heard my hon. friend but imperfectly, and I am afraid that he has heard me but imperfectly. At present parties have two remedies; one is by an appeal to the sessions when all the particularities he refers to are dispensed with, and where the very largest powers are given, and where a case is really determined on its merits. The facts are tried there, and the court has large powers with regard to moulding the proceedings so as to secure substantial justice; but it is not so with respect to certiorari. Under a writ of certiorari the rule prevails that everything is to be presumed against the party, and nothing for him; and in the other case the converse of that proposition holds good. I could show a number of cases in which the court most reluctantly yielded to this principle which is so well settled by law in a number of adjudged cases, that it was impossible to depart from it, and the court gave effect to merely technical objections. This Bill does not propose to interfere with any rights the parties now possess, and it is not proposed to interfere with the law that provides for an appeal against a conviction on the merits; but simply proposes to deal with certiorari proceedings, and it enables the judge upon review of the whole record, to set aside those technical objections. For instance, if the punishment is less than that named, or if it is a description not exactly or strictly technically correct, still if it is found that the facts are fully proven, enable the judge in his discretion, when the matter comes before him under certiorari, to determine what shall be done in view of the whole facts of the case. Now with regard to the recognizance that my hon. friend speaks of, I quite agree with him that it is a very large sum, but it is not new law; it is existing law—it has been the law of the land since George II to this day. The object of this Bill is not to introduce any new feature in the law—not to increase the difficulty of per-

sons appealing to the courts from examination on a summary conviction; but for the purpose of bringing before the magistrates, and before the profession at large the fact that such an Act as that exists, and is in force to this day. By the adoption of the general law of England in Canada we adopted amongst others the statute of George II, and that is in force now, and is every day acted upon; therefore the sixth clause of this Bill introduces no new law, but brings out the substantial re-enactment of the law as it exists, and brings into bolder relief to parties concerned what the law is. I should be happy, and would feel it a pleasure and a satisfaction, to give my hon. friend opposite every information about a number of cases that I would not now think of troubling the House with, where the judges have been obliged to give effect to those simple objections which really have no merit in them, and did not touch the decision of the case on the merits. It is certainly a reproach to the law when by reason of these technical difficulties a conviction of a guilty party is set aside, and it is with the object of securing the punishment of guilt, notwithstanding any mere slip on the part of the justice of the peace, that I introduce this Bill.

Hon. Mr. O'DONOHOE—This is an important measure and is entitled to the greatest possible attention by this honorable House; the more so, emanating as it does from a learned gentleman such as the author of this Bill, one who commands the esteem and respect of every one who has the pleasure of his acquaintance. But that it is in the hands of such a man only enables us to deal more freely and more independently with it. Should we give up our judgment in compliment to my hon. friend's great ability and character, he would be the first in whose estimation this House would fall. We must deal with this Bill independently. It is a new measure, a new law. In my humble judgment it should be demonstrated to this House that there is a pressing necessity for such a law before it is enacted. We have not been able to see that necessity. I can only speak within the narrow limits of the province to which I belong; gentlemen from other provinces will be the best judges of the state of the law in other parts of the Dominion, but in Ontario I have heard nothing either from the bench or from the press calling for this enactment, and inasmuch as it is new and not specifically amending any existing Act, in my opinion the wisest course for the House would be to let this Bill stand until we have ample time to have it discussed and understood by the country at large. We are placed in this position, that in enacting a measure purely new in its construction and application we have no decisions—we have no law to guide us in its construction or in its application. Where it is made by way of amendment to some established law we can refer to decisions. Most of our criminal laws are copied from the law of England. Our statute law is copied almost word for word, and in order the better to make every species of crime punishable, in our larceny Act a clause was incorporated, clause 110, which is still in our courts in Upper Canada, and is called the omnibus clause, because it was intended to embrace everything. It was a kind of arraignment made so general that no crime could escape unpunished. That clause has been declared over and over again to be perfectly useless, and I know not of one indictment or charge ever brought under it that was sustained. There was no decision to throw light upon it. It was then new; it will remain new, and it is at this moment a dead letter on our statute book. Therefore, I say that in introducing a new law, as this is, we should give it the greatest possible amount of care and attention. There are provisions in the Bill which I dislike: the first one, which contains the gravamen of the whole Bill is in clause two which provides that: "No conviction or order made by any Justice of the Peace, and no warrant for enforcing the same, shall be held invalid for any irregularity, informality or insufficiency therein"

Hon. Mr. GOWAN—"Provided that the court or judge," go on with it.

Hon. Mr. O'DONOHOE—Will my hon. friend allow me to take my own way of it; I shall have the greatest pleasure in listening to him when I am through. Now take a magistrate who makes a conviction when the statute only empowers that conviction to be made by two.

HON. MR. GOWAN—That is absolutely void.

HON. MR. O'DONOHOE—I beg my hon. friend's pardon, it is not void. When is it declared so until the court declares it void? That conviction made by one magistrate is good until it is set aside. On that there is any amount of authority. That is an insufficient conviction, but although it is insufficient, under this Bill the judges may look at the depositions or the affidavit upon which it was founded, and if they find that the offence was committed which that magistrate had jurisdiction over, they are obliged to sustain the conviction in the face of the statute.

HON. MR. GOWAN—It is not so.

HON. MR. O'DONOHOE—In the face of the statute which says that a conviction of that nature is only valid when made by two justices.

HON. MR. GOWAN—That clause would not cover that case.

HON. MR. O'DONOHOE—Then the conclusion to be arrived at from it is this, that we would ask the judges to give a decision under this Bill in the teeth of the statute that requires that two judges should make that conviction. Now with regard to the writ of certiorari, my hon. friend states that under the statute of George II security must be given. I may say that I have not been able to give sufficient attention to the matter to ascertain whether there was a repeal of that in Canada or not, but I know that in practice in the courts of Toronto no security is asked for in obtaining a writ of certiorari, and that very question came up in a recent case, that of the Queen vs. Nunn, reported shortly in the Canada Law Journal, 1884, volume 20, page 408. The judgment is:—

"*Held* that a return to a certiorari is made for the assistance of the court, and that it is not necessary to enter into a recognizance."

These are the express words of this decision—the very latest decision applicable to this particular point. Finding, with the latest decision, my own knowledge of the fact—that I have never heard of security being asked for on an application for a writ of certiorari, I am in great doubt as to my hon. friend being correct in stating that some statute of George II is now in force in this province. I think if it had been that it would have been brought into force and been acted upon long ago. My hon. friend in speaking of it himself in explaining this Bill to the House, states that one of his objects in bringing it forward was to bring before the country the fact that that law is in force. He may be correct, but if he be correct the learned judge who gave this decision I have just quoted was not aware of the existence of that statute.

HON. MR. GOWAN—Oh no, that does not follow.

HON. MR. O'DONOHOE—My learned friend would exact a security before a man can get a certiorari, which is a writ of right—a writ that every man is entitled to call for who is convicted, and who believes he is wrongfully convicted—convicted against the law and the fact. He obtains the writ, and he obtains it with us to-day without being required to give any amount of bail. Attach bail to it, and what is the poor prisoner to do who has no means? He has to lie in gaol under conviction which he believes, and which he is advised, is wrong. Why should that be so? The writ of certiorari in every case accompanies the writ of habeas corpus.

HON. MR. GOWAN—It follows it.

HON. MR. O'DONOHOE—It accompanies that writ in bringing up the documents upon which the man is imprisoned. It is simply a writ calling on the magistrates and other inferior jurisdictions to return to the Superior Court or Court of Queen's Bench the papers on which the accused was deprived of his liberty. My hon. friend's Bill would attach to such a writ as that the necessity of giving security to the extent of $200. That, hon. gentlemen will agree with me, is just equivalent to saying to such prisoners, "You must lie in gaol under the conviction, be it right or wrong, until the hearing of the case can come up in the regular order." My hon. friend has stated that the law as it stands, and as it is administered, has given satisfaction.

HON MR. GOWAN—No, that the magistrates have.

HON. MR. O'DONOHOE—Then taking the words of my experienced and hon. friend, why should we interfere with that law? What I mean to impress upon this House is, that we should never alter the law—that we should never put any new statute on our books unless there is a pressing necessity for it. My hon. friend has not shown that necessity, and until it is shown there is a necessity for it I shall oppose it, much as I should hate to oppose anything that emanates from my hon. friend: still there is a duty here to be performed, and in the performance of it I shall feel obliged to move, if no other hon. gentleman does so, that this Bill be not now read the second time, but that it be read the second time this day six months, and in making that motion I make it not ultimately intending that this Bill shall not have effect if neceseary, but for the purpose of giving the country time to understand it—that lawyers and judges and courts should know its bearings, and when it comes up at the next session of Parliament we shall be in a position to give an intelligent vote upon it.

HON. MR. GOWAN—If the House will pardon me, I should like to say a few words with reference to what has fallen from my hon. friend behind me. I am very much obliged to him for the personal reference he makes to myself, but I bespeak for this Bill no favor but what it is fairly entitled to on its merits. He is wrong about the 6th clause. It certainly does not give any power to judges which they do not already possess, except to correct mere trivial errors. It does not give them power to say that a decision rendered before one justice, when the law required it to be before two justices, should be held good; or that the fact that a particular justice to whom alone was delegated the power, when that particular justice did not act in the case, should not invalidate the conviction if the facts appeared to be justified by the evidence. It simply does that in respect to criminal matters of this kind—summary jurisdiction matters—which is done every day with respect to civil matters. My hon. friend knows very well that in civil matters the court or judge may at any time amend a defect or error in any proceeding, and all such amendments may be made as may be found necessary for the advancement of justice. My hon. friend can scarcely suppose that I would be a party to enabling judges to do that which would operate against justice, or defeat the ends of justice! I certainly have no such intention, and the clause does not warrant it. When I state that they give general satisfaction I maintain it, that as a general thing the decisions of magistrates have been satisfactory. They have exercised a wise discretion in respect to the punishments imposed; but when they came to formulate their findings they failed because strict principles of law required a strict construction to be put upon them, and the judges are unable in the present state of the law to deal with them as judges should be enabled to deal with the simplest case, and the object of this Bill is to give to the judges in their discretion, and upon a review of the whole facts, power to deal with them according to the merits. I think, with regard to certiorari, the hon. gentleman has confounded two cases. If a party is in custody and brought up on a habeas corpus, there the practice is to have the proceedings sent up without giving security; but where there is an appeal simply and solely to set aside the conviction—to have the conviction quashed—there I maintain the security is required, and is every day given. I had an opportunity of conferring with my friend, the Deputy Attorney-General for Ontario, on this very point, and I received from him this day a letter commenting on several points, and he mentions to me, and I know it myself, that in cases where the conviction is assailed, and where the proceeding is not by habeas corpus, but simply a certiorari to bring up the conviction for the purpose of being examined, there the security is required. With regard to this introducing security, the Bill so far as it goes would stand independent of it. I simply introduced it because I believe it is not generally known, but if the House should think it better to omit it, I would have no objection whatever to do so. The law, if it is law, is still operative, and the party would be required to give security under the statute of George II. I have spoken to one or two gentlemen from the Lower Provinces, and their recollection

agrees with mine that security is still given, and I know that the law is in force, and has never been repealed. I hope the House will be prepared to give the Bill a fair consideration. I do not at all desire a hurried consideration of it but I think it is a good measure, and I would, if it was thought expedient, when the matter is sent to the committee, submit a number of cases to show the trifling technical grounds upon which the courts have been constrained to set aside conviction. Under the Act with regard to public works there are some very trifling objections given effect to that would set aside the whole proceedings. A number of cases, I think it must be ten or twelve, decided recently, bring out in bold relief the fact that the court is bound to give effect to the objections. I am just as conservative as my hon. friend is in respect to any tampering with the law, and as far as I am aware this Bill in no way interferes with the body of the law, but simply provides a remedy in cases where I think a remedy is required.

Hon. Mr. POWER—I think the hon. gentleman from Barrie has the sympathy of the House at large in the general object which his Bill is intended to serve. We all ought to wish that justice should have fair play in her contest with the evil doer, and I am glad to hear from the hon. gentleman that this Bill has been submitted to the Minister of Justice, and meets with the approval of that officer. Being a measure of such importance perhaps it might more properly have been introduced by the Minister himself than by a private member.

I remember that last session when two measures came before the House which had been introduced into the House of Commons by private members, the Minister of Justice rather took the ground that those Bills should have been dealt with by himself, and he undertook to deal with the subjects to which they referred at a later date. If the Minister of Justice took that ground last year, he surely must consider it objectionable to allow his friend in this House to introduce a measure which should have originated with himself as Minister of Justice. We should all agree with the hon. gentleman from Barrie in his intention; the question is whether the Bill he has introduced will effect that intention. Since the debate has begun my attention has been called to the statute which the hon. gentleman's Bill proposes to amend. I think it would be better that my hon. friend from Toronto should not persist in his motion to reject the Bill at the second reading, but that it might be allowed to be read the second time, and then the sense of the House might be taken when it is proposed to go into committee on the Bill, after the hon. gentleman from Barrie will have had time to consider and be ready to answer the objections which have been made to it. I take this chapter which the Bill proposes to amend, and I find the 5th section reads as follows:

"No objection shall be allowed to any information, complaint or summons, for any alleged defect therein, in substance or in form, or for any variance between such information, complaint or summons, and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint; but if any such variance appears to the justice or justices present and acting at such hearing to be such, that the person summoned and appearing has been thereby deceived or misled, such justice or justices, may, upon such terms as he or they think fit, adjourn the hearing of the case to a future day."

Now that deals with the first hearing. It provides that no technical defect in the original process shall hinder the justice from convicting a man. Then the 12th section says, "No objection shall be taken or allowed to any warrant, issued as aforesaid, for any alleged defect therein in substance or in form or for any variance between it and the evidence adduced on the part of the informant or complainant, but if it appears to the justice or justices present and acting at the hearing, that the party apprehended under the warrant has been deceived or misled by any such variance, such justice or justices may, upon such terms as he or they think fit, adjourn the hearing of the case to some future day and in the mean time commit the defendant to the common gaol, &c."

Hon. Mr. GOWAN—That all relates to proceedings before magistrates.

Hon. Mr. POWER—I am going on to what the hon. gentleman wants, but I

wish to lay the foundation. It is stated that at the beginning no technical objection shall prevail. Then we have the matter of appeal dealt with, and I invite my hon. friend's attention to the 67th section, which is as follows:—

"No judgment shall be given in favor of the appellant if the appeal is based on an objection to any information, complaint or summons, or to any warrant to apprehend a defendant, issued upon any such information, complaint or summons, for any alleged defect therein in substance or in form, or for any variance between such information, complaint, summons or warrant, and the evidence adduced in support thereof at the hearing of such information or complaint,—unless it shall be proved before the court hearing the appeal that such objection was made before the justice or justices of the peace before whom the case was tried and by whom such conviction, judgment or decision was given—nor unless it is proved that notwithstanding it was shown to such justice or justices of the peace that by such variance the person summoned and appearing or apprehended, had been deceived or misled, such justice or justices refused to adjourn the hearing of the case to some further day, as provided by this Act."

It seems to me that that section goes nearly as far as we ought to go in the way of making these informalities and irregularities of no consequence. I think if it can be shown that a defendant had been prejudiced by the variance he has a right to have the cause postponed. Then section 71 says:—

"No conviction or order or adjudication made in appeal therefrom shall be quashed for want of form, or be removed by certiorari into any of Her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same."

Hon. Mr. SCOTT—That is repealed by the 33rd Vic.

Hon. Mr. POWER—The substance of that remains in force even though the wording may have been altered. The reason I make the suggestion to the hon. member from Toronto with respect to this Bill is that I have no doubt from the long experience of the hon. member from Barrie, both in the matter of drawing bills and trying causes, he must have discovered serious defects in the existing law, and I have no doubt that his Bill removes those defects; but I do not think the hon. gentleman has so far made it clear to other members of the House who are not so familiar with the existing law as he is that his Bill does remove those objections. I do not see myself that the language in his Bill is any clearer or stronger than the language that I have just read.

Hon. Mr. GOWAN—It applies to a different class of cases. It applies to appeals to the sessions and not to certiorari.

Hon. Mr. POWER—But one section did deal with certiorari.

Hon. Mr. SCOTT—I think that a great mistake was made in codifying the criminal laws in 1869 in not importing into them the substance of the provision contained in the second clause of the hon. gentleman's Bill. The spirit of the legislation of that day clearly contemplated that convictions should not be set aside for irregularity, informality or insufficiency, and the very clauses which have been read by the hon. member from Halifax are the best possible corroboration of that view, because he has shown that the legislature dealt with this subject in a spirit of not permitting justice to be defeated by captious objections. The objections that are referred to and which he quoted from clause five have reference to the information, complaint and summons in the preliminary proceedings. Then the next stage at which the legislature seems to have provided that no technical objection shall be allowed to prevail is in that 12th clause—which the hon. gentleman has read to the House.

The last one he quoted expressly refers to where a party goes to appeal, that is, appeals from the magistrate's decision to a bench of judges—to what is known as the quarter sessions in Ontario, and I suppose it is the same in other provinces—but the case my hon. friend's Bill proposes to provide for is not any of the cases referred to there. It is a case where a party appeals direct to the higher court.

Hon. Mr. DICKEY—That is dealt with in section 71.

Hon. Mr. GOWAN—That is repealed and a new section substituted for it.

HON. MR. SCOTT—There is no similar provision. The case that my hon. friend's Bill provides for is just one that has been dropped out—that is, where a magistrate convicts. In order that the magistrate might not go astray, a large number of forms is provided in the statute, but it was not possible to provide a form for every case arising, and it is necessary for the magistrate to exercise some discretion and discrimination in filling up forms for cases where no provision is made in the statute. We know that magistrates are not accustomed to proceedings of that kind and very often they are careless, and when the conviction is appealed against it is quashed simply for want of proper form. This is frequently done, and judges are constantly expressing regret to have to do it. I know, a few days ago, two cases came before Justice Rose, in Toronto, on motions to quash convictions by magistrates under what is called the Public Works Act, to preserve the peace where public works are going on. In one of those cases a man had been convicted for a breach of the law, and the conviction was moved against. The judge was obliged to quash the conviction, but at the same time expressed great regret at having to do so. Some little technical form had not been observed and consequently the man who had been violating the law was allowed to go scot free. That is a case provided for by this Bill. Magistrates we know have jurisdiction in a very minor class of cases, those arising from breaches of the peace chiefly, and it was intended, no doubt, when one looks at the spirit of the legislation of 1869, that mere matters of form were not to be a bar to convicting a party if a substantial ground for sustaining the complaint were made out; and it will be recollected that this appeal is to a judge of the highest court in the land. It is to a judge of a Superior Court, not to a bench of magistrates,—to a judge sitting in the High Court of Justice, who is clothed under the statute with very wide powers in all higher cases of crime. Now to show the House that this Bill is quite in the current with the legislation of 1869, we give to the same judge who is called upon to pronounce upon the question, whether a conviction should be quashed on a mere matter of form, the widest possible powers in trials involving felonies of every kind and misdemeanors. We allow, as those gentlemen who have some experience in courts know, in these important cases an indictment to be made against the party accused, in the simplest possible way—simply that he committed a crime in a particular place, the time and place being unimportant. The principal point is that he committed a crime. That may be stated without any of the useless verbiage which magistrates are very often obliged to import into their convictions. You give the judge power during the trial to suit the indictment to the evidence that is being given. Then after the trial, supposing there are defects, we allow all kinds of form defects to be cured after indictment. We invest the judge with these extraordinary powers before the verdict and after the verdict. We declare that after the verdict those things may be cured, but in the case of a magistrate who is deputed to try those minor cases we are not disposed to allow that a conviction, which is defective simply for want of form, shall stand, and we decline to allow a judge of a higher court, who takes cognizance of more serious cases and who has those extraordinary powers to which I have adverted in the trial of cases before him at the Assizes, to say that a conviction in a minor case shall be allowed to stand if he is satisfied that it was a proper decision. Now I think we are unnecessarily excited in the interest of the delinquent when we are not prepared to clothe the judge who has the jurisdiction of higher offences with the control of offences that we relegate to the magistrates. I do not find that the Act of 1869, although it is broad in many particulars, meets exactly this case. It meets the case where the summons itself is defective, where the order is defective, where it is defective if brought before a bench of magistrates. A party endeavoring to set aside proceedings can apply for a writ of certiorari to have a conviction quashed. If instead of appealing on the merits he finds that there is a clerical error, some slight defect, something wholly irrelevant to the real question at issue, if instead of appealing to a bench of magistrates he goes straight to the higher court and moves to have this indictment quashed the judge has no option but to quash it

on a matter of form. I think that is scarcely in harmony with the spirit of legislation in this country, more particularly, as I have shown that in the highest classes of crime the liberty of the individual is of much more consequence, where a man is indicted for murder, burglary and forgery—in all those cases you have simply given the judge *carte blanche* in trying a man to adapt the paper that professes to set forth the charge to the case as it develops before him. He says if it is going to put the prisoner to any serious disadvantage he will postpone the trial; but how rarely that occurs, and those amendments are freely made. I think that is a necessity, because our system before that was a perfect disgrace to civilization. The whole effort was how not to convict a man—how to let him off—to surround the proceedings with technicalities to defeat justice. The whole thing was a perfect farce, and we provided a simple set of forms. It takes about three lines now to draw an indictment for murder, and so it is with all the other crimes—you just state them in the Queen's English, in the shortest possible way; but here, where you mpose duties on magistrates, it is a complicated matter. The form of indictment for murder or manslaughter is brief, and a common sense sort of thing. But is it common sense to say to our magistrates "You shall be obliged to draw up most elaborate forms of convictions?" Some of those convictions actually take a whole page of paper. We impose that on a magistrate and if he makes a mistake in a single line or word, the conviction can be quashed by an appeal to the higher court, and the judge has no alternative but to quash the conviction. The spirit of our law is to give the judge most ample powers to amend, because you cannot place the power of amending in any better depository than the judge; but in such cases as this Bill refers to, a conviction which would otherwise be valid can be quashed for the slightest informality. I should like to go through the other clauses of the Bill, but I shall confine myself to this particular one which has been the principal subject of discussion. In reference to this clause the law is evidently defective and I think the sooner we correct it the better.

The next important clause is the one which provides that in cases where convictions are quashed no action shall lie against the justice or officer who made the conviction. That seems perfectly fair and reasonable.

Clause seven is as follows:—

7. No writ of certiorari shall be allowed to remove any conviction or order had or made before any justice of the peace if the defendant has appealed from such conviction or order to any court to which an appeal from such conviction or order authorized by law, or shall be allowed to remove any conviction or order made upon such appeal.

I may be mistaken—of course I do not speak authoritatively on that subject—but I was under the impression where the party appeals, then the application does not lie. However, that is a matter of minor importance and can be referred to again.

The next clause is to provide that on application to quash a conviction the court shall allow evidence of the Act being in force by proclamation to be given. That seems a very proper thing to do. If it was omitted in the proceedings before the magistrate, as in the case to which I have already referred under the Public Works Act, if it was not given in evidence, then why should it not be admitted afterwards? The man was convicted because he committed an offence against that Act; the mere omission to have the fact stated in evidence ought not to afford an opportunity for quashing the conviction. There may be some details in the Bill which we can consider in committee, and which may be changed and improved, but I feel very decidedly in reference to the main point which the hon. gentleman has in view in the introduction of the measure. It is in the proper direction and the only wonder is that it was not introduced long ago, or incorporated in the Act of 1869, because that Act was drawn on those lines. Every clause, to which reference has been made, specially stipulates that exception shall not be taken to variance of papers, or a mere matter of form, but it does not say so in reference to this class of convictions, and I can only come to the conclusion that the omission was due to the fact that in drafting that Act a very large number of forms were given for magistrates to follow, and then it provided

that where the form did not exactly suit, a similar form should be used ; but then it committed the magistrate to the exact words of the form, and any slight variation made the conviction defective and allowed the party to have it quashed before a court. My own impression is that if a party appealed to a bench of magistrates and they sustained the conviction that he could not move for a writ of certiorari.

HON. MR. GOWAN—Oh yes, he can.

HON. MR. SCOTT—Certainly he can go direct without appeal to one of the higher courts to quash the conviction, and that does not seem to be in the interest of justice, or to be common sense.

HON. MR. KAULBACH—I must agree with my hon. friend who introduced this Bill that there is some reason for this legislation. If the object of the measure was to increase the power of the magistrates I should certainly object to it so far as my knowledge of magistrates in Nova Scotia is concerned. I thought from the remarks of the hon. member from Amherst that the law was directed more to indictments. In our province if you want a writ of certiorari you must find bail. The amount of $200 is not fixed ; it is in the discretion of the court. In my experience and practice, if there are technical objections, our course is certiorari to a superior court. If a man thinks that justice has not been done him he goes to the county court, but we never go to the county court with a case if our object is to take legal objections. That is our position in practice, and therefore I think that this portion of the Bill if enacted will take away very largely from certiorari because if litigants find when it comes under cirtiorari that the merits of the case will be considered, and the same power of amendment would exist as in more serious cases, they will abandon that form of appeal. Certioraris are very often vexatious—mere quibbles of law, and this legislation would have the effect. to a large extent, of doing away with them.

HON. MR. GOWAN—The House has been forbearing but I think you will permit me to explain what is not very clear to every hon. gentleman present. There are two remedies provided, one an appeal to the sessions, or a tribunal corresponding to it, where a case will be dealt with on its merits, before a jury. In these cases an appeal based upon an alleged defect in form or any trifling matter is not given effect to, but it is not so in respect to proceedings before a court when a case is brought up on certiorari. There all the objections that can be alleged to any matter are admitted, and very often the most trifling objections are allowed to prevail. I have not the faculty that the hon. member from Ottawa and others possess to do justice to my own reflections when I am on my feet, and therefore I am very glad that they have given me their aid in bringing this matter before the House. But I am quite satisfied that the object is one which deserves attention, and I bespeak a careful consideration of this Bill. I have no desire to press the matter at all but I would fain secure for it the consideration to which it is entitled. The necessity for it has been very well explained by the hon. member from Ottawa. He has shown that in trials for the highest crimes matters of merely techinical value are not allowed to prevail and the case is tried on its merits, but in minor cases brought before magistrates, who have no assistants and no legal training, their decisions as formulated are criticized in the most rigorous way.

HON. SIR ALEX. CAMPBELL—I see no reason in the world why my hon. friend's Bill should not be read the second time. He proposes an amendment which will help the administration of justice and take away the opportunity for setting aside convictions on matters of form. In civil proceedings we have done that years and years ago. We have allowed amendments to be made at any time, from the beginning to the end of the trial, so as to ensure to litigants a righteous decision without being turned aside by want of formality. It so happens that with reference to the particular class of cases to which this Bill applies, that has not been done in the law as it now stands. My hon. friend proposes to accomplish by this Bill what would have been done long ago if attention had been drawn to it. It is only by accumulated experience that people see what is necessary in regard to these matters, and this experience does not come so quickly

or closely to the Minister of Justice, or the Attorney General here, as it does to the Attorneys General of the different provinces. This Bill has been suggested, I believe, to my hon. friend by the Attorney General of Ontario who sees from time to time, much more closely than I can see, what is necessary in this direction, and who has the opportunity of hearing in court the numerous instances in which convictions are set aside on the ground of mere want of formality. Now, there is no object in maintaining that sort of thing. It does not facilitate, but rather hinders the administration of justice. This Bill does not allow magistrates to interfere with the ordinary course of proceedings before them, but it proposes, if they discharge their duty, that their convictions should stand in the face of informalities There is no objection to giving them that advantage in the manner proposed in this Bill. The hon. members from Halifax and Amherst thought that this Bill should have originated with the Government.

HON. MR. DICKEY—I did not say that.

HON. SIR ALEX. CAMPBELL—My hon. friend thought it should appear in the Consolidation of the Statutes. The Consolidation of the Statutes will only show what is law at the passing of them. If this Bill were law at present it would go into the Consolidated Statutes by a Bill passed at the end of the Session, by which all the legislation of this Session will be incorporated in them. In that way this Bill, if passed, will appear in the Consolidated Statutes when they come to be published. So it is a great advantage and convenience that this Bill should be discussed and disposed of now. With reference to its not originating with the Department of Justice, every now and then it does happen that persons more conversant than members of the Government with the evil to be remedied, take notice of it earlier than the Department of Justice has the opportunity of observing it. As I say, the evils which this Bill proposes to remedy have come under the observation of the Attorney General of Ontario, and he has been corresponding with me, and with my hon. friend from Parrie, on the subject, and I believe the Bill has been largely prepared in his office. He knows the evils and is anxious to remedy them, and I am quite sure that the House will agree that they should be remedied. What reason is there that the decisions of magistrates should be quashed for mere informalities? If there is anything wrong in the details of the Bill we can discuss them in committee, but I certainly hope and think that the House will read my hon. friend's Bill the second time.

HON. MR. FLINT—My hon. friend asked me to second the Bill. I looked over it and was satisfied that it was in the right direction. I have been on the commission of the peace for over forty-eight years and have tried several hundred cases myself, and had other justices connected with me, and I can say that I have never had an appeal from any decision that I ever gave. It was not because I was brought up learned in the law, but because I acted from what I believed to be perfectly right and correct and did justice in all cases brought before me. Taking it as a general rule, justices will not touch a case, let the consequences be what they may, from fear that an appeal may be made to the quarter sessions and they will be put to the expense and trouble of spending three or four days, or a week, away from home in order to attend to it. We know that whenever there is a change of Government, particularly as it used to be—and I believe it is the same in different provinces now—there is always a batch of new justices of the peace appointed. I am sorry to say, from the experience I have had of those commissions which have been made out by both sides in politics, that there has not been that attention paid to appointing persons who are qualified for the discharge of the duties of the position. It has been more of a political machine than anything else and the consequence is that the country is filled up with magistrates, particularly in Ontario, where we have now ten thousand. I do not believe that out of that number there are 1,000 justices who act at all—not more than that at all events. They are afraid to act because they are liable to have their convictions quashed for any slight informality, and the consequence is many a time a criminal goes unwhipped

to justice. I know this is the fact in the locality where I reside. Since the establishment of a police court in Belleville many country justices of the peace, who did formerly take up cases, will not touch them at all now from the trouble they have had through appeals from their convictions on trivial grounds, and persons have to come before the police magistrate at Belleville and are put to a large expense in consequence. I know one instance in that part of the country where a party had to pass no less than three justices of the peace before he could get one who would try his case. The defendant was fined $1 and he had to pay $14 costs. This was very hard for him, and had it not been that four of the principal witnesses, I being one of them, agreed to ask nothing for our services, he would have had to pay some $25. When we come to take these facts into consideration, and consider the large number of those justices in the country, the necessity of this legislation is apparent. I do not say a word against the character of these justices. As a rule they are good men, but many of them do not understand the proper mode of procedure, and they are frightened from acting when they see one magistrate after another getting into trouble through appeals against their decisions. During the last four or five years I have acted in but one case, and as a general thing I am not much at home. Now that they have a police magistrate in the city, I think they can get on without my help. I consider that this Bill is in the right direction. My hon. friend from Toronto in reading the second clause of the Bill, read this part of it :—"No conviction or order made by any justice of the peace, and no warrant for enforcing the same, shall be held invalid for any irregularity, informality or insufficiency therein," and there he stopped. Had he gone on a little further he probably would not have said as much as he did about that clause. There is a proviso to this effect :—

"Provided that the court or judge before which or whom the question is raised is, upon perusal of the depositions, or by affidavit, satisfied that an offence has been committed over which such justice has jurisdiction."

Therefore it could not have the effect which he saw fit to explain to the House. I am sorry to have to state this, because, of course, my hon. friend is a gentleman learned in the law, but we do not find that gentlemen learned in the law are always correct in the information which they give. Consequently I thought it just as well to let it be known that so far as this clause is concerned it relates to a conviction by one justice and not by two. I am in favor of the Bill because I believe it is in the right direction.

The amendment was declared lost on a division.

The Bill was then read the second time.

BILL INTRODUCED.

Bill (37), "An Act further to amend the Act to incorporate the South Saskatchewan Valley Railway Company."—(Mr. Plumb.)

THE COX DIVORCE CASE.

SECOND READING POSTPONED.

HON. MR. OGILVIE moved :—

That the second reading of the said Bill be postponed until Friday, the twenty-seventh instant, and that it do then stand as the first item on the orders of that day, and that notice thereof be affixed on the doors of this House, and the Senators summoned; and that the said George Branford Cox may be heard by his counsel at the second reading to make out the truth of the allegations of the said Bill, and that notice be given to Emily Cox of the second reading by a telegram to be addressed to her at San Gabriel, in the State of California, by the Clerk of the Senate, and that she be at liberty to be heard by counsel what she may have to offer against the said Bill, at the same time; that the said George Branford Cox do attend this House on the said twenty-seventh day of March instant, in order to his being examined on the second reading of the said Bill, if the House shall think fit, whether there has or has not been any collusion directly or indirectly on his part relative to any act of adultery that may have been committed by his wife, or whether there be any collusion, directly or indirectly, between him and his wife, or any other person or persons, touching the said Bill of Divorce, or touching any action at law which may have been brought by him against any person for criminal conversation with her, the said wife of the said George Branford Cox, and also whether at the time of the adultery of

which he complains she was by deed or otherwise by his consent living separately and apart from and released by him, as far as in him lay, from her conjugal duty, or whether she was at the time of such adultery, cohabiting with him, and under the protection and authority of him as her husband.

HON. MR. ALMON—Is it not a rather short notice to send from here to San Gabriel, in California? How many days do you give for a notice to get there and back again? I think it would be much better to postpone that until after the Easter vacation. I have an idea that the leader of the House is going to let us have a holiday about the time mentioned in the motion, and I think it would be better to postpone the second reading until after the Easter recess.

HON SIR ALEX. CAMPBELL—I do not think my hon. friend understands that a copy of the notice and the Bill have already been sent to San Gabriel to be served on the respondent, and the petitioner expects that he will be able to establish the service of the Bill by other evidence which has not yet arrived. This postponment is to give time for the evidence to arrive and to provide for the case, if it should arrive, that she may have by telegraph the notice that the second reading will not come on this day but on Friday next—so as to provide for that double contingency. I do not understand that the House is asked at all to assent to this notice being sufficient. The hon. gentleman has put it in his motion, and the House may allow it to go; but we do not at all assent to that being a sufficient notice. The House I think will expect on Friday next to be furnished with other evidence than a telegram that the woman has received a copy of the Bill, and I suppose those interested in the matter will be able to furnish that evidence. This is a work of supererogation, as it were, in addition to that evidence; so I think we can very safely allow it to proceed. As to the House sitting on Friday I feel safe in saying that it will.

HON. MR. OGILVIE—Besides what the Minister of Justice has kindly explained, I may say I have followed a precedent established last year by the hon. member from Lunenburg, and this was precisely the mode that was taken to get the evidence that was wanted. This is simply telegraphing a further distance. The papers we expect are on the way here, as the Minister of Justice has explained, and arrangements will be made by which I think the Clerk of the Senate will telegraph to the respondent in this case tonight, and there certainly will be plenty of time before Friday to have four or five answers back, if necessary.

HON. MR. DICKEY—My only interest in this matter is that the rules of the House should be observed. My hon. friend who has just spoken has imported into this resolution a new principle, that we should declare what evidence will be sufficient.

HON. SIR ALEX. CAMPBELL—I do not understand that we ought not to admit it if that is the case.

HON. MR. DICKEY—The rule is very clear that a copy of the notice in writing is to be served on the party from whom the divorce is sought. We would not certainly call that due service, telegraphing a person. We also require proof, on oath, of such service, adduced at the Bar of the Senate before proceeding to the second reading. If it stopped there my hon. friend would be in a difficulty; but the case seems to be provided for by the latter part of the rule "or sufficient proof adduced of the impossibility of complying with this regulation." The time to consider that is when the evidence is offered, prior to the second reading.

HON. SIR ALEX. CAMPBELL—I do not see why my hon. friend could not, in deference to the suggestion which has been made, omit all allusion to the telegraphing. He may have a telegram sent as he suggests. To leave the words in the notice would imply that the House will consider it sufficient.

HON. MR. OGILVIE—There is a precedent in a case which was before us last year. I have drawn my resolution in exactly the same form.

HON. SIR ALEX. CAMPBELL—I know, but in that case also there was other

evidence of the service besides the telegram. This rather leads to the conclusion that if the motion be adopted that service will be considered sufficient. If the House is of opinion that that ought not to be done they might perhaps pass this as it is with that understanding, or we might strike out all reference to a telegram, which I think would be the better way, but send the telegram. I suggest also that the telegram should be sent to be served on the woman or some evidence given to the House that it has been served. There should be some evidence—it should not be simply sending a telegram to the woman that the case is coming on on a certain day, but the telegram should be sent and served upon her, and a telegram returned to say that it has been served.

HON. MR. OGILVIE—Certainly, that is the intention. I was not far wrong in the course I have taken, because I have followed the precedent of last session.

The motion was amended by striking out the words "by a telegram to be addressed to her at San Gabriel, in the State of California by the Clerk of the Senate." The motion, as amended, was agreed to on a division.

PROOF OF ENTRIES IN BOOKS OF ACCOUNT BILL.

SECOND READING.

HON SIR ALEX. CAMPBELL moved the second reading of Bill (M) "An Act respecting proof of entries in books of account kept by officers of the Crown." He said—This Bill has originated in complaints which have reached the Departments of the Government as to the difficulty of establishing by evidence facts which are mentioned in books of account kept by officers of the Crown in trials which comes on from time to time in provinces at some distance from the Capital. There can be no objection I think to a copy of an entry made by a public officer, duly certified, being *prima facie* evidence, and that will enable gentlemen who are charged with the prosecution of cases in different parts of the Dominion to get on with their proceedings without sending for an official with the book itself.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 5.45 p.m.

THE SENATE.

Ottawa, Tuesday March 24th, 1885.

The SPEAKER took the Chair at three o'clock p.m.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills reported from Standing Committees without amendment, were read the third time and passed :—

Bill (52) "An Act respecting the Sault Ste. Marie Bridge Company."—(Mr. Power.)

Bill (13) "An Act to amend the Act relating to the Great Western and Lake Ontario Shore Junction Railway Company."—(Mr. Power.)

Bill (1) "An Act to amend the Act to incorporate the Sisters of Charity of the North-West Territories."—(Mr. Lacoste.)

INTERNATIONAL COAL COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (51) "An Act for granting certain powers to the International Coal Company, limited," with amendments. He said :—The House will perceive that there are only two amendments to this Bill suggested. One arises from the fact that the Bill would have no standing here unless it conformed with the provisions of the Joint Stock Companies Act of 1877, and the first amendment is to require, in cases of transfer or dealing with the property of the company, a two-thirds vote of the shareholders ; the second amendment is to the effect that the clause shall not have a retrospective operation but shall apply to the future powers of the company. Both those amendments were considered and adopted

in the presence of the gentlemen promoting the Bill. I see no objection to the Bill being read the third time to-day.

HON. MR. MCDONALD (C.B.) moved concurrence in the amendments.

The motion was agreed to, and the Bill was read the third time and passed.

BRANTFORD, WATERLOO & LAKE ERIE RAILWAY CO.'S, BILL.

REPORTED EROM COMMITTEE.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (59) "An Act to incorporate the Brantford, Waterloo and Lake Erie Railway Co'y, with amendments. He said—I am prepared to explain the amendments to the House, but perhaps it may suit the convenience of members better to postpone the consideration of them until Thursday next, when they will have had an opportunity to examine them carefully.

HON. MR. PLUMB—I concur with my hon. friend in the suggestion to postpone the consideration of the amendments. Still, I was about to say that none of them are of a material character. They are intended to bring the Bill into harmony with the general legislation.

The consideration of the amendments was postponed until Thursday next.

CANADA CONGREGATIONAL MISSIONARY SOCIETY'S BILL.

THIRD READING.

HON. MR. LACOSTE, from the Committee on Standing Orders and Private Bills, reported Bill (54) "An Act respecting the Canada Congregational Missionary Society", with amendments. He said —The amendments to this Bill are of no great importance. One is merely inserting one of the articles found in the schedule of the Bill purporting to be the constitution of the society. The other is to require the society to make semi-annual statements of its affairs. I move that the amendments be now concurred in.

The motion was agreed to.

HON. MR. SULLIVAN moved the third reading of the Bill.

The motion was agreed to and the Bill was read the third time.

THE SPEAKER—This Bill having been read the third time is now ready to pass.

HON. MR. ALMON—Before that Bill passes I should like to say that it is an amalgamation of the Congregational Union of Nova Scotia and New Brunswick, and the Canada Congregational Missionary Society of Ontario. One of the clauses of this Bill provides that they shall have power at the annual meeting to change the constitution of the amalgamation by a vote of two-thirds of the members present, on one day's notice. That might very well apply to the by-laws, but I think to have the constitution altered on one day's notice, where a number of the people interested are living in Nova Scotia or New Brunswick, and the meeting is held in Ontario, is a piece of absurdity. This is not done by the general meeting, but by delegates; but delegates living in Nova Scotia or New Brunswick, whose duty it may be to attend the meeting, may not do so, not knowing that any question of vital importance is to be considered, and if anything of vital importance to the society is to take place, I think one day's notice is too little to a person residing at such a distance. I hope the House will agree with me that one day's notice is not sufficient and that a two-thirds vote of the members present at the annual meeting of the society is too small a number to alter the constitution of the body.

The motion was agreed to and the Bill was passed.

MEMBERS OF THE ROYAL SOCIETY AND CIVIL SERVICE EXAMINATIONS.

INQUIRY.

HON. MR. TRUDEL rose to inquire

Whether the Government has been informed that difficulties have arisen from the fact that the Civil Service Examiners have declined to

cause certain candidates for appointment or promotion in the Civil Service to undergo the ordinary examination, because of their being members of the Royal Society?

He said (in French): The facts which give rise to this inquiry are these: not long ago I was informed that some of the members of the Royal Society, who sought promotion in the Civil Service, and who, therefore, under the regulations applying to the Civil Service would find it necessary to undergo an examination, raised the question whether it was consistent with their dignity as members of the society to submit to such an examination. In the notice which I have placed on the paper, mention is made that some of the members of the Royal Society refused to submit to an examination: but this is a mistake. Since putting the notice on the paper I have received information to the effect that they have not refused, but that in view of the fact that some of the members of the society were looking for promotion, several of their fellow members in the society wrote to them advising them not to undergo the examination, on the ground that it was not consistent with the dignity of the association. With such a feeling existing a member of the society may find himself placed in this position; of doing something which, in his opinion, would lower the dignity of the society, or refusing to avail himself of the advantages to which long service and ability would entitle him. I thought it a matter of some importance, and that it would be unjust to leave the members of the Civil Service, who happen to belong to that society, in such a position, and not knowing whether the Government was informed of what may be an anomaly, I thought it was in the public interest that I should put this inquiry. The commission has not declined to examine a candidate, I believe, but one of the candidates has been induced to declare that he would decline to submit to an examination. The inquiry, as it appears on the paper, might lead the House to believe that the board of examiners had declined to examine the candidates and I do not believe there has been such a refusal.

HON. SIR ALEX. CAMPBELL—There has not only been no refusal, but there has been no application to the board to examine or refrain from examining a member of the Royal Society so far as we know. Seeing the notice on the paper I took occasion as a member of the Government to correspond with one of the commissioners, and his answer was as follows:

"The answer to the inquiry herewith is, so far as I am concerned, and I may say so far as the board is concerned, that we know nothing of such difficulties. We have never refused admission to the ordinary examination, whatever that may mean, or to any examination at all to anyone because they were members of the Royal Society or because they were members of any society."

HON. MR. TRUDEL—I received this morning information that one of the members of the Royal Society came before the board since this notice was given, and that as a compliment to him the board granted him a certificate without subjecting him to an examination.

HON. SIR ALEX. CAMPBELL—That is not the case. This letter is dated the 20th March, and one of the commissioners says: "We have never refused admission to the ordinary examination, whatever that may mean, or to any examination at all to anyone because they were members of the Royal Society or because they were members of any society."

HON. MR. TRUDEL—They did not refuse, but they paid him the compliment of not examining him.

HON. SIR ALEX. CAMPBELL—I am quite sure it is a mistake, but I will make further inquiries about it and inform my hon. friend of the result on Thursday.

SOUTH WESTERN RAILWAY.

INQUIRY.

HON. MR. REESOR inquired of the Government whether any and what steps, if any, are being taken to continue the construction of the South Western Branch of the Canadian Pacific Railway from Manitou to White Water Lake along the south shore of Rock Lake?

He said:—I will not detain the House long, but will simply refer to the fact that some four years ago a charter was granted to the South Western Railway Company,

and that company organized and got into operation, and built some 50 miles of the road. During the time that that was being built the Canadian Pacific Railway Company also commenced a rival line, aiming for the same point—that is, to strike the Pembina River about 40 miles west of Red River, and at a distance of some 30 miles from the boundary line, then to continue to the White Water Lake on the south of Rock Lake. It happened, however, that after the Manitou and South Western had built about 50 miles, and the Canadian Pacific Railway Company had built 8 miles, the South Western were unable to obtain the land grant from the Government which they claimed, and the Canadian Pacific Railway got control of it and both lines are now in one sense under the same control. As soon as that was done both roads were stopped from being built. The people who have settled along the line that had been located where the roads had run parallel for nearly 100 miles of course felt certain that either one or both of the roads would be built, and have been greatly disappointed that the original scheme was not carried out. I learn, however, with a great deal of pleasure, and I hope it is true, that the Government have at length decided that one or the other of those companies should continue the road from the village of Manitou about 80 or 100 miles from Winnipeg to go on towards White Water Lake. If this is the case it will enable the settlers throughout that region to reach the coal fields of the Souris River, and will be an immense advantage not only in keeping settlers that are there now but it will attract back many who have gone to Dakota during the past two years. It is a fine part of the country, probably as fine a part as there is in the Province of Manitoba, but it is without railway communication, and the low price of produce and the expense of agricultural machinery will prevent it from being settled unless railway facilities are afforded to get to market. I hope therefore without any further remark that the Government will give favorable attention to the question.

HON. SIR ALEX. CAMPBELL—The hon. gentleman does not seem to be aware, or if he is aware he does not mention it, that it is not a government railway in any sense, but is a railway in the hands of a private company; and we therefore are not in a position to say absolutely whether the work will be continued or to what extent it will be continued; but the part which the Government had to play in the matter was simply to assent to the location of the line. The Government have discharged that duty and have assented to the location of the line. But being anxious to answer the hon. gentleman's inquiry I have endeavored to procure a little information from the company on the subject, and I understand that they propose to continue the work in the early spring.

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

HON. SIR ALEX. CAMPBELL—Before going into the orders of the day I desire, for the information of the hon. gentleman from Prince Edward Island (Mr. Haythorne), with reference to the boat houses that were to be built, to state that I have a memorandum from the Department of Public Works to say that the house at Cape Tormentine was completed on the 14th instant, and that the house at Cape Traverse, although not yet completed, will be shortly, and that the assistant of the Department left St. John some days ago to ascertain the reasons why the completion had not been effected, and to hasten it.

HALF-BREED TROUBLES IN THE NORTH-WEST.

INQUIRY.

HON. MR. SCOTT—Before the orders of the day are called, I should like to ask the Government whether they have any recent information from the North-West? We have all observed from the recent press telegrams that it is alleged that Riel has gathered a force around him in the neighborhood of Prince Albert, or Carleton, and I presume the Government are in possession of recent information, and it will be of considerable interest to the House to be informed as to the facts.

HON. SIR ALEX. CAMPBELL—My hon. friend has no doubt seen the state-

ment made by Sir John A. Macdonald in the other House yesterday. Since then no information of any moment has been received, but the telegraph wires remain cut so that we apprehend, from not hearing anything, that circumstances have not changed, at all events in our favor. The half-breeds and Indians together seem to be still in possession at all events of that part of the river where the telegraph wire crosses, and communication has not yet been resumed. The Government, under the circumstances, are at all events taking preliminary measures for the purpose of ascertaining how quickly further additional assistance could be sent to the North-West in case it should be needed, and they are momentarily expecting intelligence which will decide them as to the course they ought to pursue; but from moment to moment we are expecting intelligence, for instructions were given to endeavor to send up *coureurs de bois*, or horses, or pony express messengers from one part of the telegraph wire to where it could be resumed again, and we are expecting to hear from hour to hour intelligence which will decide us as to the steps which ought to be taken.

LAKE ERIE, ESSEX AND DETROIT RIVER RAILWAY CO.'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (24) "An Act to incorporate the Lake Erie, Essex and Detroit River Railway Company."

The motion was agreed to, and the Bill was read the second time.

ALBION MINES SAVINGS BANK BILL.

SECOND READING.

HON. MR. MCKAY moved the second reading of Bill (15) "An Act to continue an Act respecting the Albion Mines Savings Bank"

He said:—This is a Bill to continue the charter of the Albion Mines Savings Bank. The charter expires at the end of this year, and this Bill is to continue it for ten years longer, and the only change in it is in the time for asking the returns.

The motion was agreed to, and the Bill was read the second time.

SYNOD DIOCESE OF QU'APPELLE BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (39) "An Act to incorporate the Synod of the Diocese of Qu'Appelle and for other purposes connected therewith." He said—This Bill is in the ordinary form, I think of Acts for such purposes. I do not know that it is necessary that I should explain it at length, but it incorporates the bishop, clergy and laity of the Diocese of Qu'Appelle and gives them rights and powers and privileges which are usually given to Synods of the Church of England for such purposes. It conforms to provisions which their general synod of the North-West and Manitoba have laid down for such corporations. I presume it will be carefully considered in the committee to which it will be referred.

The motion was agreed to and the Bill was read the second time.

SOUTH SASKATCHEWAN VALLEY RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (37) "An Act to further amend the Act to incorporate the South Saskatchewan Valley Railway Company." He said—The South Saskatchewan Railway Company was incorporated in the 45th year of Her Majesty's reign, chap. 82. The company now ask for an amendment by which they can change the location of their line slightly. Many of those railway companies were incorporated under the idea of making certain connections with the main line. An alteration of those lines, changing with the increase of population at one point or diminution at another, makes it necessary for many of these companies to ask from time to time for changes in the original location of their lines. The South Saskatchewan Company are in that position and they merely ask that they be allowed now to change their line slightly, and that the point from which they start shall be fixed by the Governor in Council, at Regina, and they ask that

the time for the commencement of the line shall be extended for two years.

The motion was agreed to and the Bill was read the second time.

ENTRIES IN BOOKS KEPT BY OFFICERS OF THE CROWN BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (M), "An Act respecting proof of entries in books of account kept by officers of the Crown."

HON. MR. GIRARD, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

INDUSTRIES AND MANUFACTURES OF CANADA.

DEBATE CONTINUED.

HON. MR. KAULBACH resumed the adjourned Debate on the Honorable Mr. Macdonald's motion :

That he will call attention to the Report of the Commission issued by the Government last year to inquire into the effect of the tariff of 1879, on the industries and manufactures of the country, and will ask the Government whether the report will be furnished to members of the Senate and a certain number to the country.

He said—When I left off speaking the other evening I was dealing with the subject of the fisheries. My hon. friend from Halifax was opposed to the sugar duties, but he approved of the bounties to the fishermen and I assured him that he was consequently a protectionist.

HON. MR. POWER—I do not remember that. It must have been a qualified approval.

HON. M. KAULBACH—I am very glad to find that his view now as regards the bounty to fishermen is a qualified approval. My hon. friend seems to use the same knd of reasoning, or nearly the same kind that he used when the bounty was first proposed. The fishermen were told that it was a delusion, that it was proposed in view of the general election, and from what the hon. gentleman now says his qualified approval of the bounty will show the fishermen how little they may expect from the party to wnich he belong should they return to power.

HON. MR. POWER—I spoke for myself.

HON. MR. KAULBACH—If the hon. gentleman spoke the true sentiments of his mind he would be in favor of the bounty to fishermen. It is simply because he is so warm a supporter of his party that he opposes the bounty. The false and unpatriotic argument has been used that the fishermen are unduly taxed. I say on the contrary that the fishermen are less taxed than any other part of the community. They are made an exception to the rule. All the necessaries of life are cheaper now to the industrial classes of this country than they were when the late Government were in power and I contend as I said before that they have been favoured—that there has been exceptional legislation as far as the fishermen are concerned—that they are not taxed in the same way as other industries are. Everything used by the fisherman in his vessel is either free from duty or there is a drawback allowed—on the vessel itself, in its construction and equipment—and every article used for fishing purposes on vessels with equipments ready for fishing cost far less than American fishing vessels. Yet my honorable friend says it is only because of the enormous taxation of the fishermen that the bounty could be justified at all. I ask my hon. friend to show me in what article the fishermen are taxed. He cannot show it. In fact the assertion is not correct. It is mere clap-trap. Now my hon. friend is opposed to the sugar refineries and cotton industries. I would like to know what poor old Halifax would be if it were not for these industries. My hon. friend must know what the effect on Halifax would be of such vandalism as he suggests. There is about $6,000 expended every month among the poorer classes of Halifax in he cotton industry alone ; but when you

come to the sugar industry, how much larger is the expenditure and how much more extensive are the ramifications of that industry in its beneficial effects into almost every department of industry in the city and country. I am surprised that my hon. friend should be so blinded by party, to the interests of Halifax, that he would destroy what little industries have been left there. The hon. gentleman says that the National Policy has done no good. I have already pointed to the West India trade as an illustration of what the National Policy has done for Halifax. Look at the position of that trade before that policy was adopted. Our trade was paralysed; there was no employment for men; they were walking about the wharves and the streets doing nothing and earning nothing. But what has been the result of the National Policy? Why the trade with the West Indies immediately revived. I think I gave the figures the other day. I showed that for the five years ending 1878, the imports from the West Indies amounted to only $8,394,908, while from 1879 to the end of 1884 the imports had reached $18,759,862. Will my hon. friend say that that increase of imports from the West Indies was not brought about by the National Policy? He cannot contend it, because it was purely by stimulating the sugar industry and the manufacturing industries of this country that the revival of trade with the West Indies was brought about; and that trade must go down the moment you take away the protective policy, and Halifax will be left in the same position that it occupied before we adopted the National Policy. Therefore, I cannot see how my friend from Halifax can be so blinded to the interests of the city he represents. He claims to be the champion of the rights and interests of Halifax, and yet no greater injustice could be done, not only to that city but to the whole of Nova Scotia and to the county from which I come, than to adopt the trade policy which my hon. friend asserts would be established should the Government fall into the hands of the party with which he is allied. But Nova Scotia is too well aware of the benefits she receives from the National Policy to allow the Opposition to get into power again unless they adopt a different course from that which they pursued when in power. My hon. friend must know that everything used in the prosecution of the fisheries is either free from duty or there is a drawback allowed; and when he says that there is a heavy burden of taxation on the fishermen and that therefore this bounty which has been offered by the Government should be allowed, I say his reasons are fallacious, and it is only the clap-trap argument that was used prior to the last general election in Nova Scotia. He must know that we have a large fishing coast belonging to our Maritime Provinces. Does he wish that to be protected from the Americans or would he allow our whole coast to be open to the American to come fishing in and along our coast and bays within the three mile limit? Does he wish to ruin our fishermen and destroy their nets? I am sure my hon. friend is protectionist enough not to sanction that. I will test him in another way. He talks about being a free-trader. As soon as the fisheries clauses of the Washington Treaty are abrogated, which no doubt they will be in the month of July, the Americans have a heavy duty upon all fish imported into their country. I ask him would he favor the abolition of the duties we will impose on American fish imported into this country, or would he prefer that all Canada should be taxed on fish brought from the United States into Canada?

HON. MR. POWER—Certainly not.

HON. MR. KAULBACH—My hon. friend says, certainly not. He is in favor of all Canada being taxed in the interests of the fishermen of Nova Scotia; and therefore he is a protectionist. He is in favor of protecting us from the competition of the United States fishermen. Then why not tax everything else which comes in competition with our own industries, and thus enable us to preserve our home market for our own people? He is willing that all Canada shall be taxed if they import fish from the United States after July next; the moment you test my hon. friend with facts which surround us he shows that he is a protectionist and that the only way to protect and develop our industries and resources is by a protective policy. The policy which he says imposes an enormous burden on the country in

other cases he is willing to pursue so long as it benefits the industries of his own province. Therefore I assert he is not a free-trader. I would ask my hon. friend is he opposed to the duty on coal? I pause for an answer on that as I did when I put the question with regard to the sugar industry.

HON. MR. POWER—I wish to say that if my hon. friend wants categorical answers to all those questions he had better give notice.

HON. MR. KAULBACH—My hon. friend was very ready to question me on other occasions. It is a simple question and does not require long consideration to answer it. I believe he is in favor of the people of this country being taxed on their coal; yet he sets himself up as an apostle of free-trade in this country. On this question of the duty on coal my hon. friend is in opposition to his leader, the hon. member from Ottawa. The leader of the Opposition in this House says that he would give these two or three coal companies down in Nova Scotia half a million of dollars and shut them up But what would he do for the poor miners and their families? He would let them starve. He can hardly conceive the value of those industries, otherwise he would not venture to make such an assertion. Does he not know that it would be death to many other industries of Nova Scotia, if the coal mines were shut up. What would be its effect upon Imperial interests and Halifax as a coal station if the coal mines of Nova Scotia were closed? The ruin would be too great to contemplate. There is hardly an interest in the country that does not require that the coal trade of the country should be maintained. Now what has been the result of protection to the coal industry? When the late Government went out of power in 1878 there was only 693,000 tons of coal raised in Nova Scotia. In 1884 there was 1,300,000 tons raised in Nova Scotia, or double the quantity; and yet my hon. friend would make us believe that this National Policy has been injurious to Nova Scotia and to all its industries. My hon. friend cannot, in the light of facts—things which cannot be contradicted—repeat the assertion. I say the National Policy has been not only a benefit to Nova Scotia but it has not pressed injuriously upon other portions of Canada because I say within the area of competition coal is not made dearer to Canadian consumers. The coal companies of the United States pay the duty wherever they come into the area of competition. My hon. friend will not assert the contrary. I have inquired of men living at Prescott and Brockville, and they tell me that coal is as cheap to the consumer in both those places as in Ogdensburg, on the south shore of the St. Lawrence. Who in that case pays the duty? We not only have coal cheaper than it otherwise would be, but the people of the United States contribute the duty to our revenue. That has been the result of the coal tax; and therefore the leader of the Opposition in this House when he says "shut up the coal mines of Canada," advises a course which would not only be ruinous to Nova Scotia, but which would be ruinous to any party that would attempt to advocate it, and to the revenue which Nova Scotia gets of $130,000 royalty on coal. The result in this country is the same as it has been in France. We know that in Paris English coal is as cheap as it is in England; and here as elsewhere, wherever you practically test this policy of free trade it is a failure. It is a nice theory and I am a free-trader, if everywhere it is the same; then it is all right. I believe that free-trade is the perfection of trade, but there must be reciprocity of trade all round; no country can stand one-sided free-trade. Certainly in this young country, lying alongside of a powerful nation with all its industries developed and ready to crush out our industries, we must protect our own labour. We must assume the attitude of the caterpillar before we can mature and flaunt in the full beauty of the butterfly. It is necessary for us to proceed slowly and to protect our industries so that we can supply our own people and as they grow stronger compete with other countries. But there is another industry which my hon. friend is opposed to—the cotton industry. As I have stated there is one factory in Halifax which pays to the laborers of that city $6,000 per month and there are others of the kind in Nova Scotia. My hon. friend does not speak in the interest of those people when

he says that he would shut up those industries.

HON. MR. POWER—I never said I would.

HON. MR. KAULBACH—My hon. friend is opposed to the protective system and he knows very well that without protection the industry would not flourish.

HON. MR. POWER—You are all wrong.

HON. MR. KAULBACH—All the money invested in those cotton industries and all the men employed in them must go to the United States. Not only would we send this industry back to the United States but we would send with it our working men, the men who make the country, to the neighboring republic to labor there, and we would have to send our money out of Canada to bring back the manufactured article. And what would be the result to this country? The taxation would increase because there would be fewer people to pay it; the taxation would increase as the population diminished.

HON. MR. POWER—That is all a mistake.

HON. MR. KAULBACH—My hon. friend says it is a mistake, but I pause and am ready to listen to any reply he can make to any assertion I have made to-day. As regards the protection given to our fisheries, in 1878 the capital invested exclusive of vessels was $200,000. In 1883 it had increased to $1,200,000, I should like to ask my hon. friend, is not that owing to the protective policy of the Government that this fishing industry has been developed to that extent? My hon. friend cannot say it is not. The increase is enormous, and it did not and could not have taken place from any other cause than the protective policy inaugurated by the present Government. Therefore I am surprised at my hon. friend flaunting himself as a free-trader in opposition to his own acknowledgment here that he is in fact and in practice a protectionist. Then I would ask him to look at the value of the fish caught in the Maritime Provinces. In 1878 it was $7,600,000. In 1883 it was $11,000,000. That is the result of the bounty, of the facilities afforded by protection to our fisheries. Everything, as I said, used in and for the vessel itself is either free from taxation or there is a drawback. I now come to another industry, the duck factory established in Yarmouth, which is capable of producing enough duck for the use of the whole mercantile marine in Nova Scotia. Would my hon. friend destroy that industry where there are so many men employed? He must know that by the National Policy instead of driving men out of the country we have found employment for and made everything cheap to the laboring classes. In 1878 a dollar was hardly seen among the laboring classes at all; now they not only have got the dollar in their pockets but it will purchase more of the necessaries of life than at any time in 1878. My hon. friend cannot show me any necessary of life that has been made dearer to the consumer than it was previous to 1878. We know this, that rents, meat and farm produce are higher. What is the reason of that? It shows the wealth of the country. When rents are high it shows that labor is in demand and that people are not being driven out of the country. We know that prior to 1878 almost half the houses in Halifax and the country villages were closed. Since then rents have been higher and that gives work to the carpenter and the saw mill owner and many others; so a home market is provided for the farmer; farm produce is raised in value and therefore the farmer cannot be said to have been injured by the National Policy. Wherever you go the farmers of the country are greatly increasing in prosperity. Under our present policy the people are better fed, better clothed, better housed and, what is more, consume more of the luxuries or comforts of life, and that is where and how we are largely benefited in our revenue. We know, and it cannot be contradicted, that in the Maritime Provinces the people consume more of the luxuries of life than they did in 1878. It shows that there is greater wealth in the country, and that they can better afford to indulge their families in the comforts of life. As regards bread, I suppose my hon. friend from Halifax is opposed to the bread tax, but bread is not

made dearer in Nova Scotia or anywhere else in Canada by the tax put upon it. You may put $10 a barrel on American flour, but it cannot affect the price of flour anywhere in Canada. My hon. friend knows that, and the leaders of his party have over and over again so declared it. Will anyone tell me that because you tax American coal, it raises the price of our Nova Scotia coal one cent more to the consumer in Nova Scotia? No, not one cent, and so it is and will be with bread as long as Canada has any large surplus of wheat; you can never find that bread will be dearer until there is a scarcity of wheat in the country—until our demand is greater than our supply—which never will be. Bread was never cheaper in Nova Scotia than it is to-day We have the words of the leader of the late Government here a few days ago saying that it is folly to suppose that the farmers of Canada can be benefited by the duty on wheat and flour, because it does not raise the price of these necessaries in any part of Canada one cent to the consumer. It only preserves to the Canadian farmer his right to the Canadian market. We had the hon. gentleman tell us the other day that it was folly to suppose that by a protective policy we could raise the price of wheat. Therefore, if it did not benefit the farmers by increasing its price how can Nova Scotia be injured by it? My hon. friend from Halifax is answered by the leader of his own party, and he cannot assert that the people of the Maritime Provinces are taxed on flour, because it is not so, and I repeat, it never can be so as long as this country produces grain so largely. My hon. friend from Halifax talked the other day about the old prophet who went out to curse but remained to bless. Now we have had the members from Prince Edward Island and Ottawa and Halifax here as prophets who came to curse the National Policy and yet I can take their own speeches and find in them ample evidence that the country has been benefitted by the National Policy. I defy anyone to take up one line of their speeches which will show that the National Policy has been the means of bringing about the depression from which the country has suffered. In fact all their arguments, as I will take them up presently, show in every way that the country is prospering. My hon. friend from Prince Edward Island failed to show us that Prince Edward Island has been injured in the last six years by the National Policy. He kept clear of that altogether; but he commenced with book theories and told us what Cobden thought and what that school of political economists thought. The very same school said that the colonies might go; but I think England would feel to-day that her industries and her commerce had sustained a serious loss if she had followed the advice of the Manchester school of former years. The three would-be prophets took up this report of the commissioners on our manufactures, and they wanted to prove by it that the country was injured; but they only succeeded in showing that there had been an improvement. They took up the report and the hon. member from Halifax went through it, but did not succeed in showing that anything protected in Nova Scotia and the Maritime Provinces had been benefited at the expense of the population generally, he simply showed that our goods cost less. He went through that report to bring out the worst part of it to show that the depression existing, and that the injury done to the Maritime Provinces was the result of the National Policy; and yet he failed to establish his assertion in any particular. But he showed conclusively that our own manufactured goods were as cheap as some articles in the United States. Therefore, instead of cursing the National Policy through this report of Mr. Willis he has been forced by the argument used from it to bless the National Policy. Now what is it that Mr. Willis shows? That the Maritime Provinces have shared the benefits of the National Policy in a not less marked degree than the Upper Provinces, the report of Mr. Willis, the commissioner who reported upon that field, showing the following comparison:—

	1878	1884
Factories	1,034	1,410
Hands employed	14,925	21,813
Wages paid....$	5,658,833	$ 7,484,365
Annual product.	15,832,182	25,603,066
Capital invested	11,659,430	18,868,273

Of the factories visited no fewer than 415 have been established since 1878. No greater disaster could happen to the

manufacturing industries of Canada than the accession to office of our Reform Free-Traders. That event would very soon be followed by a series of disasters which would result in the closing of hundreds of establishments all over the country, in the loss of millions of capital invested, in the deprivation of thousands of persons of the means of earning a livelihood, in the enforced emigration of skilled labor to the United States, in the annual expenditure of millions of dollars in the United States previously circulated throughout the Dominion, and in the destruction in a large measure of interprovincial trade.

Now will my hon. friend tell me again that that has not been the result of the National Policy? It is the result of that policy or nothing at all. Will he tell me that it has not been a benefit to the Maritime Provinces? Look at the factories that have been established and the money invested in those industries. Look at the men that have been employed—7,000 more than there were in 1878. Where would these people have gone to if it had not been for these industries?

HON. MR. BOTSFORD—To the United States.

HON. MR. KAULBACH—Yes, to the United States; there would have been no alternative. They would have been driven to that country. Look at the enormous amount of wages paid, the increase of nearly two millions of dollars paid to the people of the Maritime Provinces. Where would this money have gone had this policy not been established? To the United States. The wages would have been earned by the people there and we would have had to send our money to that country to buy foreign manufactures. When we come to consider it, it is surprising that any man of intelligence having a patriotic sentiment would advocate a course which would prove ruinous to every industry of the country. If we had not those products in the country we would have been obliged to go to the United States for them, and where would we have found the money for them? We would have been in the same unfortunate condition that we occupied previous to adopting the National Policy. Then look at the capital invested in all those industries; it would be all lost. I often wonder how it is that a man could be so blind—because my hon. friend, I believe, has not lost reason—to be so prejudiced by party as to allow himself to express sentiments which he must know are inimical to the interests of the country. As I said before, it is a system of vandalism to destroy everything that is a benefit to the country. That is the policy of the party to which my hon. friend belongs and they make it their policy, because in their extreme folly they think they can make their way into power over the destruction and ruin they would bring on the people of this country.

The London *Times*, the great organ of public opinion in England, admits that depression and stagnation in trade exist there, that stagnation and depression exist all over the world; that they do not look for a revival in Great Britain first, but they look for it on this side of the Atlantic, and expect to find it first in the United States. They look for the revival in trade first in a protected country, as it will be looked for in Canada under the National Policy I desire to call the attention of the hon. gentleman from Prince Edward Island (Mr. Haythorne) to the remarks he has made on the subject before us. I fail to see that he has shown where the National Policy has been destructive of any industry in his own province or in any part of Canada. I will quote his remarks, and I will try not to weary the House, or occupy the attention of hon. gentlemen longer than is necessary. My hon. friend referred to the United States as a wonderful country, and he showed us that the civil war which desolated the homes of that country, and almost crushed their manufacturing industries out of existence, cost the Republic $5,704,000,000, exclusive of the loss of life. If we value each adult killed during that war at $1,000—the same valuation which my hon. friend from Halifax puts upon each adult immigrant—it will add enormously as he must see to the cost of the war to the Republic. Yet what does my hon. friend from Charlottetown say was the condition of the United States in a few years after all this loss of life and destruction of property:—

"Soon the country was overspread with industrial undertakings of every description

and kind, and railway building, mining, manufacturing of all sorts and descriptions.

"The consequence was a great influx of population, and for a few years a rapid increase of wealth. The first produce of these enormous manufactories went to supply the great waste which had been caused by the war, and a little later on the great influx of population helped to consume it; but after a while there was an end of this sort of thing. Production trod too closely on the heels of consumption, and the consumers were not able to use the manufactured goods."

But does he show that the United States was injured by that means? It shows the great recuperative power of the United States, under what? Under protection. Will the hon. gentleman tell me that the United States, after having gone through that terrible war, would have recovered her trade and prosperity as rapidly under a free-trade policy? I tell him it would have been impossible; that free-trade English goods would have kept crushed out the manufactures of the country; that Great Britain and other countries would have rushed in their products and kept crushed out of existence the home manufactures that did spring into life and activity under the stimulus of a protective policy. Therefore I say that my hon. friend from Prince Edward Island, instead of coming up here as a prophet to bless free-trade, has blessed protection, by showing to us the great wonders that have been done in the United States under that policy. But my hon. friend went further and showed that the great over-production in the United States created a reaction in the trade of that country, and he shows what was the effect of it on this Dominion. He says:—

"Then came a time when a market should be found somewhere for these superabundant products. Canada was one of the most ready and most easily accessible and it was the one which suffered most acutely from the excess of American goods brought into the country."

There my hon. friend admits that it was the competition of the manufactures from the glutted markets of the United States thrown on the Canadian market that ruined our industries. Yet my hon. friend and those who act with him would have allowed us to go on with this ruinous policy. They admit that it was ruinous to the country, and did ruin us in every branch of industry and trade, but they allowed it to continue year after year without any attention to the heart-rending appeals of our people praying for protection or any effort on their part to prevent it, and without raising a helping hand to assist the people out of despondency, ruin and pauperism into which they had been plunged. In the depths of their despair the people found a party coming into power enunciating the doctrine that has been carried out successfully, that Canadians should have their own markets for themselves; that the industries of the country should be stimulated and encouraged by protection; that the money paid by our people to foreign manufacturers should be retained within the Dominion, and that every man should have the means of obtaining a fair day's pay for a fair day's work. My hon. friend (Mr. Haythorne) talks of the great prosperity of England under free-trade. He has undertaken but failed to show that since Great Britain adopted a free trade policy that country has developed enormously in wealth and influence, and to support his position has pointed to the fact that the number of persons in England who are liable to income tax has been largely decreased. I thought at the time that my hon. friend was only furnishing an argument against free-trade by showing the wealth of the people was so decreased that a smaller number were able to pay the income tax that the people of England were sustaining injury under that system. He at least showed the increased numbers of those whose income was not large enough to be taxed.

HON. MR. HAYTHORNE—The hon. gentleman has forgotten to explain how the tide of immigration happened to be turned back from the United States to Europe. Perhaps he can do so.

HON. MR. KAULBACH—My hon. friend should have done that in his speech, if he could have done so; but he was evidently unable to do so, and he wants me now to explain to the House what he is unable to explain himself, for the reason that the tide never turned. He talks of England looking down upon the United States manufacturers; but what is England doing to-day, boasting, as she does, of being mistress of the seas and controlling the destinies of the world? She is

sending to the United States at present to get munitions of war to carry on operations in the Soudan; she cannot even make pumps fast enough to supply the railway from Suakim to Berber, and where does she send to for them but to the protected manufacturers of the United States. The excuse made by the war department for sending to America for their pumps was that they could get them more quickly and with greater facility in the United States than in free-trade England. The hon. gentleman complains that our people are laboring under an enormous customs tariff, but he has failed to show where it is affecting our people prejudicially in the slightest degree, and we are told that the manufacturers of the country are in a bad state. We are told that the rich are becoming richer and the poor poorer. That was the cry of the Opposition years ago, and it is the cry of the leaders of the Opposition in the other House and here to-day, and yet we are informed in the same breath that the manufacturing industries are going down because there is a glut in the market and that goods are so cheap that the manufacturers cannot produce them except at a loss. I cannot see how the two arguments agree. I fail to see how capitalists who have invested their money in manufactures are growing so rich and at the same time believe that all the manufacturing industries are in a terribly depressed condition. Hon. gentlemen must know better. The hon. member from Halifax among all the industries could not find anything really depressed but the ship-building trade. But I ask, is that the fault of the policy of this Government? On the contrary, we know that in free-trade England there is a very great depression in the shipping trade; that their ships are lying idle in their docks. We find that the better class of vessels, the iron steamers are largely taking the trade from our wooden ships, which are therefore not readily sold or chartered. But the hon. gentleman has told us that France has to go over and buy from a free-trade country—England—the ships used in their own trade. The argument of the hon. gentleman is dead against him and free-trade, because it shows that under free-trade, England has no use for these ships; that their shipping trade is becoming impaired, while France, a protected country, goes over and buys those vessels under their real value. I say when my hon. friend uses that argument that France had to go to England to buy ships it shows that France has a flourishing shipping trade that demands shipping while English trade is going down and cannot furnish employment for those vessels. I am sorry to say anything against England, because we all feel that England is our hope and our pride, and when we have to say anything against her prosperity it must be with feelings of reluctance and sorrow. Then my hon. friend says of this protective policy that it gives the industrial classes expensive tastes. He says: "They acquire expensive habits, and they acquire tastes altogether different from what they would have had, and they become unfitted for any other industry." I presume my hon. friend refers to the manufacturing classes, and the result of the National Policy is that these classes are getting so well off that they indulge in luxuries. If that is the case they must be getting good wages, and must be profitably employed, otherwise they could not indulge in luxuries. I ask the hon. gentleman if those industries were closed to-day what other pursuits are you to give the industrial classes? What employment have you to offer to them? He and the hon. member from Ottawa talk of the three F's—the fisheries, the forests and the farm—as our proper fields for labor, but I ask him if the country is to grow rich and powerful from those industries alone? Although I believe farming to be the basis of all industries, and without it we could not get along and prosper, yet farming would certainly not be as prosperous as it is if the farmer had not customers to sell his produce to. If we were all farmers in this country, where would the farmers' home market be? If we were all fishermen what would the country be? Although my hon. friend lives alongside the water, I do not think he would like to embark in the fishing industry and take charge of a fishing craft. It is absolutely necessary that the people should have various occupations and pursuits. The agricultural, mining, fishing and manufacturing industries have no antagonistic interests; they all run and must run harmoniously together, and no one industry can suffer without the others

suffering with it. I contend that in order to build up our country and make it prosperous we must have varied industrial pursuits. It is quite evident to my mind that my hon. friend is unable to point out in what way the people could be employed profitably if we were without manufacturing industries in this country. He says: "Canada could have very well earned the money to supply herself with cotton or other goods by other means that experience has taught us are profitable, and are suitable to the requirements and capacity of the people and would tend to leave them better off than they now are."

But my hon. friend has failed to show us in what way those people are to turn their attention to any other industry in which they could find profitable employment. He must admit that cotton is cheaper in Canada now than it was when this country was a slaughter market for the manufacturers in the United States. It was dearer then because we had no money to purchase what we wanted, and yet he talks of our duties on cottons as if they were a burden on the people. He knows well that we do not import cottons, those cottons that we manufacture. The cry of the Opposition was that capitalists who invested in those manufactures were going to become rich, and the people would have to pay higher prices for their goods. Our contention was that nothing of the kind would occur, that competition would bring down the price, and that cotton, like every other marketable article, must find its level in prices, that there could be no monopoly of any industry in this country to put up the price to the consumer. My hon. friend admits that the farmers of the country are fairly prosperous. I have a statement here showing the profits of the farmers in Canada; it shows what the deposits in the savings banks of Ontario and Quebec have been year by year, since the introduction of the National Policy, and that they are made principally by farmers, mechanics, tradesmen, laborers and farm servants—that these classes have made about nine-tenths of the total deposits in the savings banks of the country. I quote the following facts and figures to refute the statement in regard to classes of persons who place deposits in the Post Office Savings Banks; we cannot do better than quote from a paper by Mr. Cunningham Stewart, the superintendent, read before the British Association in Montreal. As already stated, the amount deposited in the Post Office Savings Bank at the end of June, 1884, was $13,245,000. Mr. Stewart furnishes the following table classifying the depositors:—

Class.	No. of Depositors.	To credit.
Farmers	14,000	$4,722,000
Mechanics	7,850	1,422,000
Trust accounts and young children	5,500	170,000
Laborers	4,270	724,000
Clerks	3,000	522,000
Tradesmen	1,600	468,000
Farm and other servants	1,470	277,000
Professional	1,572	392,000
Miscellaneous	1,680	215,000
Married women	12,000	2,350,000
Single women	10,500	1,275,000
Widows	3,240	708,000

The foregoing figures are a complete and crushing answer to the statement. Does my hon. friend wish to contend that this does not represent the savings of the industrial classes, sustained as they are by the returns given from those different institutions? The hon. gentleman took upon himself to prove what the policy of this country should be, by reading from Justin McCarthy's history of England, and quoting book theories, and the sayings of Mr. Gladstone. Now, Mr. Gladstone, able man that he is, and leader of a great party in England I should hesitate to say anything about him; but we know what the effect of his shilly-shally policy has been in Ireland; we know how the British Empire has lost prestige in Egypt, and throughout the world since Mr. Gladstone and his party came into power. We know what has become of General Gordon and we know not how soon General Lumsden may from the same policy meet with the same fate in Afghanistan. But for the vacillating policy of Gladstone, General Gordon might have been alive to-day.

HON. MR. HAYTHORNE—I rise to a point of order. The hon. gentleman from Lunenburg is out of order in going into English politics in this debate.

THE SPEAKER—The debate has taken a very wide range and though the hon. gentleman is somewhat out of order, it might perhaps save time by allowing him to finish his speech.

HON. MR. KAULBACH—I am simply reviewing the gentleman's own speech. The hon. gentleman read of Mr. Gladstone, from Justin McCarthy's book, on "Men of our Times," to show how Mr. Gladstone was converted from being a protectionist to being a free-trader; his changes have been too many and too often to surprise anybody, and I have no doubt if he lives long enough, we shall find that Mr. Gladstone will have been converted back to be a protectionist again, because he cannot fail to see how other countries, the leading nations of Europe, that have adopted the protective policy are successfully competing with England in her own market and in the markets of the world. When my hon. friend failed from the logic of facts to suppost his theory of free-trade he had to support his arguments by quotations from Cobden and Bright, and the theories of men who did everything they could to weaken the connection of the colonies with the Mother Country—the very same class of men whose want of statesmanship lost to the Empire the neighboring states. Is it the theories of these men we are to look to on which to base our own fiscal policy? Our every day experience has taught us how unsuitable those theories are for this new country, and my hon. friend has failed to convince the House of the value of free-trade when he had to resort to such authority to support the position which he took. My hon. friend has complained that the tariff imposes a burden on agricalture; that agricultural implements are heavily taxed, while the products of the farm have no protection. I defy the hon. gentleman, however, to prove that agricultural implements are anywhere in Canada as expensive to-day as they were in 1878. He will find on enquiry that in our North-West to-day agricultural implements can be now bought as cheap, under the National Policy, as they can be bought in Minnesota or Dakota. No doubt some few years ago there were complaints in Manitoba, before our railways were opened for traffic, and before our manufactures of agricultural implements were adapted to and could reach that market; but we know there is no complaint there now, and that they get agricultural implements as cheap in Manitoba and the North-West as they can be bought in any of the western states of the neighboring Republic. You can buy all the articles required in our great North-West just as cheaply as they can be got in Minnesota or Dakota. My hon. friend talks about the tax on agricultural implements, but he failed to make a statement which is consistent with the fact as to the prices of these articles. In everything my hon. friend has said I am forced to think he is rather in favor of the protectionist policy of the country. He says that England admits our products free to her markets; but does not the hon. gentleman know that in doing so she merely pursues a general policy; that she admits the products of other countries on the same terms, and that certainly is no reason why we should adopt her policy. She is not giving us any inducements as a British colony to adopt her policy of free trade, and England does not expect it because under our fiscal policy our trade with Great Britain has increased. Instead of having injured the Mother Country it has proved a benefit. Our imports from Great Britain have increased while those from the United States have diminished; but what was the condition of affairs under the policy which prevailed to 1879? Our trade with England year by year was diminishing while our trade with the United States was increasing, and therefore when my hon. friend appeals to our sympathy with England, I say that our present policy has the effect of increasing our trade with the Mother Country and corresponding by diminishing our trade with the United States. When my hon. friend put forth an argument like that he must have had very little on which to base his contention; he also spoke about the absurdity of protection. Does he mean to say that all the leading nations of Europe are not pursuing a protective policy at this day. Why should we go contrary to the principles which have proved so beneficial to those countries simply because England changed from her protective policy and adopted a policy which, as I will show, was one by which she expected her trade would

be materially benefited. We know that England was built up under protection; that all her industries expanded to their utmost capacity, and were brought to the extreme of perfection and that she had made great and wonderful advances under a protective policy; her flag waved everywhere. No greater protectionist country was ever known than England was forty years ago; she had developed her own industries to such an extent that she could not only supply her own market, but defy competition in any part of the world and sought for supremacy as the one great manufacturing country. I can show my hon. friend by the remarks of Sir Robert Peel, Cobden and Bright that when Great Britain adopted the free trade policy they expected that all other countries would come in and pursue the same course; that all nations would become her customers.

HON. MR. MACDONALD — And America especially.

HON. MR. KAULBACH—Yes, America especially, and after exercising all their ingenuity to induce other countries to adopt a free-trade policy they said we will force them into free-trade. But they have failed to do so, and it is no wonder under the circumstances that England is suffering in consequence of her mistaken policy. Instead of being, as she was under a protective policy, mistress of the seas and the one and the only one leading manufacturing country in the world, we find other nations now not only rivalling her in foreign markets but pressing out her own home industries. Ask a man like Bismarck, probably one of the greatest statesmen in Europe—I will not say on this continent, because I would not like to say anything which would be invidious to our own leaders here—and I ask you does he favor a free-trade policy? No, he is too astute for that; he has too much German sagacity. He knows what the country which he rules requires. Can you show me two countries greater and more prosperous than Germany and France, where prosperity prevades the masses? Their policy is the extreme of protection. In the city of London alone there are 60,000 families to-day that have only one little room or garret for each family. Can you find anything like that in France, where the whole of that country from one end to the other is prosperous? It is the same with Germany; wages are low but living is cheap, and they are prosperous because the laboring classes are protected; and you cannot show me the same deplorable condition of affairs in either of these countries that exists in England. My hon. friend says the United States scarcely realizes its own position. I tell the hon. gentleman that take the people of the United States as a whole, and man for man, they are more intelligent and far more independent than the population of England. In the United States we find all classes of the people educated, and they all understand politics and know what they are talking about, and act and vote according to their convictions. We do not find them advocating free trade or complaining of high taxation. They are a unit in demanding the protection of their industries. Their politics are America for the Americans and they understand what they are about. My hon. friend compored free-trade England of to-day with the England of half a century ago, in order to show that England had experienced great prosperity since the adoption of free trade; but I would direct his attention to the extraordinary development of the industries of the United States that has taken place within the same period under a protective policy; and this enormous expansion has taken place under the most adverse circumstances. The country, as I have said, passed through a civil war; brother fought against brother in deadly conflict. The prosperity of the country was gone; wreck and ruin only remained. Look at the condition of the United States to-day. Before the adoption of a protective policy in that country when we wanted to buy rails we had to go to England. There has been a wonderful change in this respect of late years. We find that there are at present 11,000 miles of railway either under contract or projected in the neighboring Republic, the rails for which are being manufactured in their own country; and where do we go for rails when we require them now? Not to England, but to the United States. It must be within the recollection of some of those who hear me—I am sure my hon. friend from Belleville recollects the time when Canada

sold her cows to the people of the United States, and if we did not buy their cows' milk we bought their cheese and butter. But look at Canada now! My hon. friend from Prince Edward Island has referred to the condition of England thirty or forty years ago—what was the position of Canada then? Has not this country prospered and advanced with rapid strides whilst England is not showing the same advancement? Has not our prosperity been increasing steadily since this Government came into power? I believe, and I have authority for saying it, that in the last five years all our manufacturing industries have about doubled, that the earnings of the people have doubled and that the manufactured products of the country have likewise increased in the same ratio.

HON. MR. HAYTHORNE—Do we owe the cheese trade to the National Policy?

HON. MR. KAULBACH—I can tell my hon. friend as I said before that the different branches of trade are dependent upon each other and if we had not diversified industries—if we had no manufacturers our farmers would not be so prosperous. The prosperity of the country has been increasing year by year under the National Policy. The hon. gentleman has been warmly endeavoring to show that the National Policy is ruining Canada. I say on the contrary that the country is prospering, and our farmers have an increased home market.

HON. MR. HAYTHORNE—Where do we sell the cheese produced in this country?

HON. MR. DICKEY—Do not our manufacturers buy cheese?

HON. MR. KAULBACH—Of course they do, and milk and butter also. The increased population of the country, the development of our manufacturing industries makes a home market for our cheese; but independent of that we export it largely to England—and thus make the poor English cheesemakers suffer. I have mentioned these facts to meet the argument of my hon. friend who contended that England had prospered under free trade, that therefore it was a policy which this country should adopt. But English farmers, dairymen and manufacturers don't say so. I have shown that this country has prospered also during the same period that my hon. friend referred to, and to a much greater extent than England, and I contend that our prosperity has been greatly aided by the present fiscal policy. Although we may not have done directly quite so much for the farmers as for the manufacturers and fishermen, yet the development of the manufacturing and fishing industries has benefited the farming community; but we have done more. We, I mean our paternal government, have interested themselves for the farmers in this way—we have secured cheap and safer transportation for their cattle to the English markets and released them from quarantine restrictions, which was a great boon to our farmers. The late Government said, "Let everything alone; we can do nothing; it is not our business to do anything to aid the people;" but under the National Policy our Minister of Agriculture has provided greater and better and cheaper facilities for the transportation of cattle across the Atlantic. He has made a study of and evinced a deep interest in the matter, and under his care and guidance our cattle are transported to the European markets at a cheaper rate and our trade is thereby improved. Sir Charles Tupper mentions the immense benefit that has been done in this way to the farming community of Canada.

HON. MR. HAYTHORNE—Is there any protection of them when they get there?

HON. MR. KAULBACH—No, but the poor English farmer—the stock raiser—suffers. It shows the paternal care which this Government exercises not only for the manufacturing but for the farming industries as well. But will my hon. friend say that the English farmer is benefited by free-trade? My hon. friend said that if he finds the laborer not enjoying the usual amount of the necessaries and comforts of life you may fairly say that the country is decaying. My hon. friend made that statement with regard to England. But the English farmers won't

endorse it. I ask him to apply the same test to Canada, and particularly to our farmers, and by that test he can prove the benefit which the National Policy has conferred on the Dominion.

HON. MR. HAYTHORNE—How do the half-time operatives get along?

HON. MR. KAULBACH—My hon. friend may talk about half-time operatives but under their policy we had no operatives at all; there was nothing to operate upon. That is just the difference, but my hon. friend is not stating what is consistent with facts when he talks about half-time operatives. He cannot show me one industry to-day where the operatives are working on half-time. I ask him to tell me one such industry, and I pause for a reply?

HON. MR. DICKEY—He says he has no time to tell you.

HON. MR. KAULBACH—It would take him a long time before he could tell me. He would have to manufacture it. Now, what about the great prosperity in England, among the laboring classes. He says there is no suffering among the working classes of England. Mr. Richardson, the Inspector of the London School Board reports that recently there were at least 60,000 families in London alone who had but one room for each family.

HON. MR. HAYTHORNE—What is the population of London?

HON. MR. KAULBACH—60,000 families in that condition is a large percentage even for the population of London, and if labor was plenty we would not find that many families living that wretched beastly way. Look at the indecency, misery and desolation and want which that indicates. It makes a man shudder; it is sickening to contemplate it. When we think of so many human beings thus huddled together in one city of England we can hardly reconcile it with the hon. gentleman's statement that the working classes of England are well fed and clothed and enjoy prosperity. Adopt his policy, crush out our factories, and we would find misery enough here. I do not like to refer to these matters but when my hon. friend sets up England as a standard by which to judge of the effects of free-trade I am bound to say that the facts do not warrant him in concluding that it would be a policy which would benefit this country. When Sir Alexander Galt went home to England he mentioned the fact which my hon. friend quoted in his speech. Sir Alexander Galt then showed to the Chamber of Commerce in Liverpool that our trade with England is increasing under the National Policy. He showed about two years ago that our policy was favorable to England in its results. This is what Sir Alexander Galt says about Canada:

> They adopted not only a protective but a defensive system of tariff, and the result had been that their people had become prosperous and contented, bank stock had risen, and employment was abundant. So much for Canada, and as to this country, under the new Canadian tariff they had taken in 1882 over nine millions of our manufacturers as against five millions in 1879, or an increase of 80 per cent. Therefore they certainly had not injured England, nor did they find that they had injured themselves.

And then my hon. friend quotes the *London Times* as not approving of what Sir Alexander Galt said—"There is a fondness for the fallacy of arguing, *post hoc ergo propter hoc*,"—that because Sir Alexander Galt approved of the National Policy because of its results and reasoned that a thing is proved by its fruits, therefore it is all wrong. That is all my hon. friend could get from that article of the London *Times*—that because Sir Alexander Galt proved that trade between England and Canada was increasing under a protective policy and decreasing with the United States, therefore it was a bad argument to use. Now how can you prove a thing but by its fruits? And when Sir Alexander Galt showed as he did very properly before the Chamber of Commerce that instead of our policy being inimical to England it was increasing her trade he was using an irresistible argument in favour of our policy. I only referred to this to show how vain and fruitless have been my friend's efforts, even with the assistance of an editorial in the London *Times*. Every fact and argument which the hon. gentleman from Ottawa has advanced goes to show the improved condition of the country under the

National Policy. In addition to absorbing about $70,000,000 of home productions yearly for the last six years, we have increased our importations as well, which undoubtedly shows the increased wealth of the country. Our exports will always depend on the condition of trade in other countries, and one of our best customers, the West Indies, had their trade paralyzed last year through England allowing German and American bounty-protected refined sugar to come in free and ruin her own refiners so that they could not buy West India sugar. The hon. gentleman from Ottawa must have wilfully closed his eyes and ears to the progress the country has made. He does not like to hear of it; he would prefer to see the break-down of the National Policy and stand helpless in the midst of soup kitchens and ruined manufactories. He does not like to hear of the increase in the number of hands employed, of the large wages paid and the increased production. He and his party would if they could keep Canada a slaughter market for the surplus products of other countries and ruin our own importers and manufacturers. The Minister of Finance, in his budget speech brought forward statistics and figures, which I commend to the attention of the hon. gentleman from Ottawa. From 1874 to 1879, under the Liberal Government, we had over 9,000 commercial failures, with a liability of $133,000,000; whereas from 1879 to 1885, under a Conservative Government, we had only about 5,400 failures, with liabilities amounting to $57,000,000—another proof of the improved condition of the country under a protective policy. The hon. gentleman has also referred to the large sums expended on public works, and I wish to show him how little the borrowing of such sums cost the country.

The interest on the public debt in 1873–1874, under the Conservative Government, amounted to $1.32 per head of the population—in 1878, under a Liberal Government, it had risen to $1.54 per head—an increase of 22 cents per head; whereas in 1883–84, under a Conservative Government it had fallen to $1.46, a reduction of 8 cents per head.

Since 1878 $66,000,000 have been spent on public works making a difference per head, of interest only, 1¾ cents higher in 1885 than in 1878. This shows the effect of good and careful management. Another matter I wish to impress on the hon. gentleman from Ottawa, whatever may be the value of the stock of some of our manufactories, Canadian securities stand higher to-day in the London money market than those of any other colony, and higher than those of Germany or Austria. Since 1878 our coasting trade increased 4,500,000 tons. Since 1878 our freight on railways increased 6,000,000 tons and our interprovincial trade also largely increased. The Intercolonial Railway doubled its receipts in 1884 over those of 1878. No part of the public debt has been levied on the country to meet the ordinary expenses of the Government. Our bonds sell for more in the English markets than those of any other country. New South Wales bonds have been an exception, but it has been shown that they were bolstered up by a syndicate of Australian bankers in London. My hon. friend from Ottawa condemned the whole policy of protection to our own industries. He contended that it is absurd to attempt to foster these industries and thought that it would be better for us to turn our attention to the three F's, Fisheries, Fields and Forests. I think I have already answered that by showing that no country can be great which confines itself to these industries—that the effect would be to make us hewers of wood and drawers of water to the United States. He says "you cannot make men prosperous by Act of Parliament," but I think it can be shown that people require facilities to labor to make themselves prosperous. He might as well have said when introducing his Temperance Act "you cannot make men sober by Act of Parliament." In that case it would be a fair argument, and it was the argument which my hon. friend the leader of the Government used in opposition to the Bill. My hon. friend (Mr. Scott) spoke of the tariff of the United States and said that it had proved as great a curse to that country as the National Policy had been to Canada. He said "it is a policy for favoring the few at the expense of the many, and that has been the result of its adoption. That is the effect of all tariffs, unless the duties are very carefully distributed and unless the industries of the country are most carefully

and properly watched. This is sure to be the effect, not alone in this country but in all countries—I am speaking now on the broad principle of all tariffs. The tariff of the United States has been as great a curse to that country as ours has been to Canada."

Well, my hon. friend has failed to show where it has had that effect. In answer to that I will show what benefit it has been to Canada. We have had the reports of the commissioners of Ontario and Quebec as to the development of our manufacturing industries under the National Policy. It shows us the condition of our industries and the importance of our home manufactures, and where trade is depressed and where it is not depressed. Taking, first, the result of the visit to factories in operation in 1878, we have this comparison :—

	1878.	1884.
Factories.....	467	467
Hands employed	27,879	42,080
Wages paid.....$	8,174,900	$12,870,900
Annual product.	34,131,100	53,554,500
Capital invested.	26,160,500	36,647,400

These figures show that in six years the number of hands employed in Ontario and Quebec had increased by over 14,000, and that the annual wages paid had increased from $297 to $306 per head; that the annual products had increased 50 per cent, and the amount of capital invested had increased 40 per cent. The new industries established under the National Policy since 1878 are referred to by the commissioners. Of these 258 have reported in Ontario and Quebec, they employ 13,453 hands. That is where the increase in the number of hands employed comes in. These new factories pay in wages annually $4,040,900 and produce goods to the value of $23,712,600 and the capital invested in them is $11,777,700. The value of the annual products in these two provinces has increased by $43,135,000, a large part of which went to support the working classes. Now I do not think I need weary the House by saying anything more on this question, and I am sure I am much obliged to hon. gentlemen for their indulgence.

HON. MR. BOTSFORD—Go on you are making a good speech.

HON. MR. KAULBACH—I have no objection; if I don't weary you I will go on. I have shown out of the mouths of these men themselves that they have not only failed to establish their assertion that the National Policy has proved injurious to the country, but on the contrary they have shown that it has proved an incentive to the development of the trade and industries of the country and kept our people at home to assist in the development of the industrial resources of the Dominion. Look at the increase in the cattle trade of late years.

The following figures show the increase of the export cattle trade since 1877 :—

Years.	Cattle.	Sheep.	Swine.
1877.....	6,940	9,500	430
1878.....	18,655	41,225	2,078
1879.....	25,009	80,332	5,385
1880.....	50,905	81,843	700
1881.....	45,535	62,404	....
1882.....	35,378	75,905	....
1883.....	55,625	114,352	....
1884.....	61,843	67,197	....

The value of the cattle and sheep exported in 1884 is estimated at $8,402,345, an increase of $76,996 over 1883.

HON. MR. POWER—I suppose that is all owing to the National Policy.

HON. MR. KAULBACH—I do not say all that, but I say that the National Policy has helped it; certainly it has not prevented the development of that trade. The hon. gentleman said that the National Policy had destroyed everything and that the farmers were injured by its operation. I asserted and again say the farmers have been greatly helped by it because it has led to the establishment and development of other industries and thereby improved the condition of the farmer. Many of the farming products consumed by the industrial manufacturing population were unsaleable, before the adoption of the existing policy. The paternal government has given every incentive to the farmers and cattle raisers to extend their operations by improving the facilities for shipment and freeing them from there strictions which were formerly imposed upon them on the other side of the Atlantic.

The value of agricultural products exported from the Dominion for the last

fiscal year amounted to $12,397,843. This is, however, only the produce of the soil, and is exclusive of animals and their products, which amounted to $22,946,108, making altogether a total of $35,343,951, or over one-third of the whole exports of the Dominion.

The exports amounted to $92,000,000 during the last five years more than under the Mackenzie government. All these facts show that the country is prospering. But my hon. friend contended that the country is suffering because the imports are larger than they formerly were, but the hon. gentleman should remember that the exports are also larger, and both taken together show that the country is prospering. If the increase of imports is an indication that the National Policy has been a failure I would ask him, and I would ask all of you, to look at the character of those imports. They consist of raw hides $3,000,000, raw cotton $7,000,000, raw sugar $5,500,000. There is where the increase of imports has been and not in goods manufactured abroad—not in goods on which the labor has been expended in foreign countries. These raw materials have been imported into the country and the labor of our people upon those raw materials has given an increased value to them. They have furnished employment for thousands and tens of thousands of our people and the manufactured articles have been exported largely, and are sold cheaper to consumers in this country than in 1878. Therefore the increased imports simply proves that we have increased our manufacturing industries; we are buying more of the raw material in order that our people may find employment in the labor bestowed upon it, and in that way we are increasing the industries of the people without adding to the cost of the manufactured article to the consumer, and we are keeping our laboring classes as well as our money in our own country.

HON. MR. BOTSFORD—My hon. friend seems to have material for a speech of an hour or two yet, and I have therefore to suggest to him that he should move the adjournment of the debate and continue his remarks on Thursday.

HON. MR. KAULBACH—I have material enough for an hour at least, and I therefore accept the suggestion and move that the debate be adjourned until Thursday next.

The motion was agreed to.

THE LATE SENATOR SIMPSON.

HON. SIR ALEX. CAMPBELL—In moving the adjournment of the House I desire to say a word in reference to our late colleague, Mr. Simpson. I have received a telegram from his son in which he says:—

"My father died yesterday. Funeral on Wednesday. Will you announce this to the Senate?

D. B. SIMPSON."

The sad duty which I am discharging now devolves upon me only too frequently, and from year to year it has always been a source of grief and sorrow to me to have to discharge it and to announce to the Senate the deaths of those whom we have long known and esteemed in the House, with whose presence we have grown familiar. Mr. Simpson was a member of the old Legislative Council of Canada in 1856, and since Confederation he has constantly been a member of the Senate—an active and able but most fair and courteous opponent at all times. I do not know whether those gentlemen who do not come from Ontario or Quebec, are aware of the very useful part which Mr. Simpson took before Confederation, and indeed since Confederation, with reference to a subject which he had long made his own—I mean the Printing of Parliament. I think he gave more time to that subject than almost anybody in either House of Parliament and accomplished much more, I think, than we now give him credit for. The exertions which he made from 1856 onwards were very great. When we entered into Confederation the old Provinces of Upper and Lower Canada had a system which, I believe, obtains in some of the provinces, or did then, of the Parliamentary Printing being done by contract. It was done at that time in a very handsome style, but at the same time in a very expensive way by Messrs. Derbyshire and Desbarats. The expenses were very great and I think, owing chiefly to the exertions of Mr. Simpson the cost

was reduced by a very large sum—more than $100,000 per annum—and I think the country owed it very much to Mr. Simpson that that was accomplished. The hon. gentleman was an active member of the House within the memory of us all and I think we all learned to esteem him. There was a great deal, if I may use that expression, of manliness about Mr. Simpson—a thorough vigorous man, with manly sentiments—sentiments which ensured one's sympathy and respect, and he was friendly to us all. I know myself that although during the whole period that we were in public life together we were opposed to each other in politics there was no member of the House who had a more kindly or warmer feeling towards me than Mr. Simpson, and I thoroughly appreciated it. All our intercourse was marked with that kindly feeling and I am sure it was the same with every one with whom he came in contact. We all deplore his loss. He had attained a good old age and like our late colleague Mr. Benson, had everything to comfort him in the closing years of his life, and I learn that his death, like Mr. Benson's, was not an unhappy one. I feel exceedingly grieved to have to make so frequently announcements of this kind. We are all, or most of us, getting so far advanced in life that deaths are becoming only too frequent and too sad. I had hoped that Mr. Scott would have been here to have said a few words in connection with this sad occasion, because Mr. Simpson was a colleague of his in politics, and had always been a strong supporter of the Government of which my hon. friend was a member, and I hope that some one on behalf of Mr. Scott will take occasion to express his sentiments. I do not make any motion with regard to the adjournment of the House, but only take occasion in moving the adjournment to say these few words in connection with the death of our late friend.

HON. MR. MCCLELAN—In the absence of Mr. Scott, the leader of the Liberals in the Senate, I felt I would only express the sentiments of that hon. gentleman, in cordially endorsing every word just uttered by the hon. Minister of Justice in his well expressed eulogy of our departed friend and colleague. I have known the late Hon. Mr. Simpson since the Union; and during the associations of all those years, have ever found him assiduous in the faithful discharge of his duty, and anxious to promote the best interests of the country. As chairman of the Joint Committee of Printing, of which I was a member, Mr. Simpson was always at his post of duty, and those efforts of his earlier public life which led to such useful practical results gave him an experience which was ever available in the efficient and economical management of the parliamentary printing. I feel sure that every member of the Senate who had the advantage of knowing the deceased gentleman will agree as to his manly bearing and kindness of character, and think of him with pleasing recollections. The sad event, coming so soon after the decease of another old friend (Mr. Benson) reminds us that change is a universal inscription, written all around. It is consoling to be assured that in both cases the deaths were happy ones; and while "we all do fade as a leaf," our lamented friends have "secured that crown which fadeth not away."

The motion was agreed to and the Senate adjourned at six o'clock.

THE SENATE.

Ottawa, Thursday, March 26th, 1885.

The SPEAKER took the Chair at three o'clock p.m

Prayers and routine proceedings.

CIVIL SERVICE EXAMINATIONS AND MEMBERS OF THE ROYAL SOCIETY.

HON. SIR ALEX. CAMPBELL—Yesterday the hon. member from DeSalaberry asked a question with reference to the course pursued by the examiners for the Civil Service. I did not quite understand the nature of his question and did not answer it as fully as I ought to have done. In addition to the information I gave the hon. gentleman yesterday, he wanted to know if there were any cases

in which a person who was a member of one of the learned societies—the Royal Society of London—had been admitted to the Civil Service here without examination, and he mentioned the name of——

HON. MR. TRUDEL—The hon. gentlemen is mistaken ; I mentioned no name.

HON. SIR ALEX. CAMPBELL — I have made inquiry and I find that there has been no such rule, and even no instance in which anything of the kind has occurred. I am informed by one of the examiners that no one to his knowledge has even applied to be admitted, by which I understand rated and reported, as having passed the examination on the ground of being a member of the Royal Society. No man has been reported as qualified for employment under the government who has not passed the required examination satisfactorily. I have not found any instance of the kind mentioned by my hon. friend.

HON. MR. TRUDEL.— Perhaps the House will allow me to explain that my principal object in calling the attention of the Government to the subject was this, that it was considered amongst some members of the civil service, who were also members of the Royal Society, that it would be humiliating to them to be subjected to such an examination. It may be true that no case of the kind has come before the examiners, but many cases may arise in the future, and it is perhaps in the interest of the public service that this question should be inquired into carefully. That was my object in asking the question, because I know, as a matter of fact, that there has been a good deal of talk on the subject and that one member of the civil service who was entitled to promotion, but who in order to receive it would be obliged to pass an examination, received letters from members of the Royal Society advising him not to undergo the examination.

HON. SIR ALEX. CAMPBELL—That is another point.

HON. MR. TRUDEL—Perhaps I did not explain myself clearly on a former occasion, but that is the point to which I wished to call attention—as to the propriety of subjecting members of such a society to an examination, when membership in such an institution might be considered sufficient to relieve them from it.

HON. SIR ALEX. CAMPBELL—I do not think that there has been any misunderstanding. No person has been admitted to the original or promotion examination except by the ordinary course ; no exception has been made with reference to members of the Royal Society or any other society. If my hon. friends thinks that a different course should be pursued with reference to members of the Royal Society an opportunity will be offered when the Civil Service Bill comes before this House, to make a suggestion that exceptions should be made in favor of members of the Royal Society. I am afraid that I should not be able to concur, but the opportunity will be presented and he can offer an amendment if he thinks it desirable to do so.

HON. MR. TRUDEL—I do not go so far as to say that it should be so, but I think an opportunity should be afforded to consider the question.

BILLS INTRODUCED.

Bill (N) "An Act further to amend the Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations." (Mr. Scott.)

Bill (81) "An Act respecting the Canada Co-operative Supply Association, limited." (Mr. Ryan.)

Bill (49) "An Act to incorporate the Pension Fund Society of the Bank of Montreal." (Mr. Ryan.)

Bill (48) "An Act respecting the Annuity and Guarantee Funds Society of the Bank of Montreal." (Mr. Ryan.)

Bill (53) "An Act respecting La Banque du Peuple." (Mr. Paquet.)

LEGISLATION IN THE SENATE.

INQUIRY.

HON. MR. PLUMB rose to call attention to the desirability of encouraging the

initiation of Private Bills in this House, with a view to the more equal division of the labors of the two branches in the earlier period of the Session, and inquire of the Government if it be not deemed advisable to originate in this House as many measures as the law and usage of Parliament will permit in order that this House may more adequately fill its place in the Constitution.

Hon. Mr. PLUMB—At an early stage of the Session I placed the notice on the paper of the resolution which I am about to move, but for reasons that have been explained, its consideration has been delayed, from time to time, upon the suggestion of my hon. friend the leader of the Government. My object was to inquire whether some method could not be devised to bring more work to this hon. body at the earlier stages of the Session. We find that most of the private bills are initiated in the other House, and that a large share of Government measures are first introduced there, some of which of course this House is precluded from inaugurating, and that we are thus left with out adequate employment for a considerable portion of the earlier period of the Session. The inference naturally is drawn that this body is not sufficiently employed, and I think we suffer very considerably in the estimation of the public for that reason. I can see very readily why at the outset we are comparatively idle, and I can see also very readily that the members of Parliament, who are usually charged with bringing in private bills for their constituents and friends, prefer to introduce them in their own Chamber; and it has occurred to me, and to other Senators, that it is greatly desirable, under circumstances to which it is scarcely necessary further to refer, that this House should impress upon those who may have influence upon legislation, the desirability of bringing forward here, as far as practicable, such measures as would keep it occupied from the opening of the Session, and as would tend to enable the House to discharge more fully the constitutional functions which it was intended should be discharged by it in its inception. I will say nothing about the introduction of Public Bills, because I know that my hon. friend the leader of the Government is desirous, so far as lies within his power, to encourage the initiation of public measures in this House, and I have no doubt that before this discussion is over he will present to the House a memorandum showing what number of such measures have been introduced in each House since the Union. We have the great advantage of the presence here of Ministers representing two very important departments of the public service—the Department of Justice and that of the Interior. It is consequent upon that that measures relating to those departments should be first introduced here. There are other measures probably that might be initiated here. I think that portion of the business of the Senate which depended upon the initiation either of public or private measures has been gradually declining. This I am sure has given an unfavorable impression abroad as to the ability of this body, and its desire to fulfil its functions, as to which I have not the slightest possible doubt, and of which I think no man sitting here and watching its proceedings can have any doubt; but still it gives some color to the assertions that we are here simply for the purpose of idling away the time, and that we do not perform the duties which we ought to perform as a representative portion of the Constitution and as a chamber charged with an important share of the public service. There are obvious advantages in the introduction of Private Bills here in the early part of the session. Our committees are less unwieldy than those of the House of Commons, and have longer experience. We cannot control nor do I think it would be advisable that the Ministers themselves should attempt to control members in this regard; they might however, advise and recommend it. Under the English system at the meeting of Parliament there is a Joint Committee upon Private Bills appointed. A committee of the Lords and Commons, which settles upon the manner in which Private Bills shall be introduced, and apportions them to each House. The system of procedure upon Private Bills in the British Parliament differs materially from ours. No member can bring in a Private Bill on behalf of any interest whatever; he merely, in his place in either body, moves the

Bill assigned to him from time to time through its regular stages; but he is not supposed himself in any other way to promote its passage. Of the Bills so divided, a large proportion goes to the House of Lords for initiation, consequently they are occupied very largely with a kind of legislation which is exceedingly useful and which their experience in that sort of work enables them to discharge with great advantage to the public; and although we cannot expect that any arbitrary division of Private Bill initiation can be made here it has occurred to me that in some way a method might he adopted by which we would be enabled to take our fair share of that kind of business at the outset. The rules of procedure in the British Parliament are much more complicated than ours and we cannot entertain the idea of adopting the system of having promoters and parliamentary agents, and I do not pretend for one moment that any such system would now be desirable; even though it may become so hereafter, but I have thought it possible that those who have the well being of this body at heart, and who desire to answer in the most effectual manner objections that have been made to its existence on the ground that it did not fulfil its duties, might possibly influence those who have Private Bills in charge to send them here for initiation. I do not think it is at all necessary that I should appeal to the Ministers of the Crown who sit here, because I believe that they feel with me that everything that can be done to elevate the Senate in the public estimation—everything that can be done to answer the attacks that have been made upon it—should be done. I am sure that they believe, as I believe, that the Senate as it is now constituted is a most important factor in our legislative machinery; that it has great constitutional functions to fulfil, and that it is capable and ready at all times to fulfil those functions with calm deliberation, with mature judgment, and without fear or favour. Having stated thus much I may perhaps say that as this body is constituted it can hardly be expected that it should be occupied with the kind of discussions that occupy much of the time in another place. That branch of the legislature, having direct communication with the people—elected by the people—naturally discusses a vast number of party questions which would be out of place here. It might be useful to ascertain how much time is consumed there in debate which has nothing to do with legislation. The Senate is restricted, as every one knows, to the origination of measures which do not involve the expenditure of public money. Money bills cannot be originated here. When they come here they cannot be altered or amended; and consequently a large amount of legislation which is of direct interest to the public cannot very well come into discussion here, except upon general principles of public expenditure or of public policy. My hon. friend who sits before me (Sir Alex. Campbell) recognized the condition of things to which I am now referring in the year 1868, at which time there was a committee appointed—of which my hon. friend was chairman; and that committee called upon the Government to originate as many measures here as the law and usage of Parliament would permit in order that the Senate may more adequately fill its place in the Constitution." I am therefore quite in harmony I think with the feelings of my hon. friend in making the suggestions that I am now making, and I wish before proceeding further to disclaim the slightest intention in anything that I may say or anything that I have said to attribute to the Government intentional remissness in endeavoring to promote the work of this House, or anything that would seem like overlooking its claims. In that I know I would be entirely wrong, and I should err if I were to make any insinuation of the kind, or if any remarks of mine would lead to any inference of that kind. In the first years of Confederation there was a very large Ministerial representation in this body, much larger than there is now. There were several Ministers in this House, holding portfolios at the outset of Confederation and probably as a consequence of that there was very considerable initiation of legislation; but as seems to be almost inevitable, unless there are strong efforts to prevent it, the Commons gradually absorbed the initiatory legislation which might have been brought here, to such an extent that in the year 1882, 71 private bills were passed, and out of those only eight originated in the Senate. In a very

complimentary notice of Mr. Bourinot's able and exhaustive work on Parliamentry procedure in the London Times, the disparity between the work of the two Houses is referred to and I will read a short extract therefrom :—"The Canadian system is singularly incomplete ; it is marked by at least two defects from which ours is free ; one due to the fact that promoters of private bills are free to introduce their measures in either House, and that in consequence of this a disproportionate amount of private bill legislation is initiated in the Commons." Since Confederation the Dominion Parliament has passed more than 1,400 Acts, of which 650 have been for private purposes, such as the incorporation of railway, banking, loan, insurance and other companies. The legislatures of the different provinces, since Confederation, up to 1884, have passed the following number of Acts ; Ontario, 1,358 ; Quebec, 1,105 ; Nova Scotia, 1,414 ; New Brunswick, 1,302 ; Prince Edward Island, since 1873, since it came into the Union, 313 ; Manitoba, 477 ; British Columbia, 324 ; and of those Acts 31 have been disallowed. In all 6,293 Acts have been passed and but 31 have been disallowed by the Dominion Government, namely : Ontario, 5 ; Quebec, 2 ; Nova Scotia, 5 ; New Brunswick, none ; Prince Edward Island, none ; Manitoba, 7 ; and British Columbia 12. It shows therefore I think most conclusively that the working of the system under which we are confederated, has been upon the whole greatly harmonious, and that there has been no friction in the machinery which is worthy of notice. I think it is an important item in considering the effect of the important clauses by which special subjects of legislation are assigned to the Provinces, where one might suppose that there sometimes would be a straining of the relations between the Provinces and the Dominion, and where it has been asserted in some quarters that there has been a straining of such relations. It is most remarkable to notice how few Acts have been passed in any province that have been objected to by the Dominion Government ; and when we consider that the terms of Confederation giving to the provinces special subjects of legislation, reserved not only specified legislative powers for the Dominion, but gave it powers over all subjects which were not specially given to the Provinces. It is marvellous that the Provinces in their legislation have kept so closely within constitutional limits, and so closely confined themselves to the exercise of the powers which were given them by the constitution as only to have exceeded them in this vast amount of legislation —in the opinion of those who are charged with the revision of their Acts—to the extent which I have stated here. I think it is a matter for congratulation with every one who wishes the confederation of these Provinces well and who has a desire to perpetuate it, that so far there has been so little friction in the movements of the machinery. I trust that hon. gentlemen will pardon me if after referring to matters of this kind I should speak of subjects which I know are not strictly embraced in the resolution that I have offered, but which grow logically out of that resolution, and I think this will be an occasion in which I may be permitted to enlarge somewhat, and I ask their indulgence while I do so. I wish to speak, in the first instance, of the Act of Confederation and the resolutions wheron it was founded, by which our existing bi-cameral system was adopted. I desire to quote a very few words from the cogent arguments that were urged on the Confederation Debate, in favor of that system by the principal movers of the resolutions. I shall endeavor in discussing that portion of the question to be as brief as possible, and yet I think it is desirable at this period when even the right of this Chamber to exist, is called in question, that we should get a *résumé* of the reasons for its adoption, in its nominative character, and that we should know the position by which we have a right to claim the confidence of the public. At the introduction of the resolutions referred to one of the principal speeches was made by the then Attorney-General West in the Legislative Assembly of Canada by the right hon. gentleman who now in unabated vigor and with far wider reputation and popularity survives, and with increasing honors, fairly won, is the leader of the conservative party of the Dominion. The other great speech was made by a colleague, who, in a most noble manner laid aside the political hostility of years and struck hands with my

hon. friend the right hon. leader in the other House for the purpose of bringing about objects contemplated in the resolutions. Both of those gentlemen set forth in the most eloquent manner the reasons why they thought it desirable to adopt an upper house upon the principle of nomination. I will venture to quote a few of the words of wisdom then uttered by them upon that subject. Sir John first recites the initial sentences of the resolutions adopted by the Confederation conference, by which it declares that:—

"The executive authority of Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution by the Sovereign personally, or by the representative of the Sovereign duly authorized."

Sir John Macdonald then remarks:

"That resolution met with the unanimous assent of the Conference. The desire to remain connected with Great Britain and to retain our allegiance to the Crown was unanimous. Not a single suggestion was made, that it could, by any possibility, be the wish of the colonies, or of any section or portion of them, that there should be a severance of our connection. Although we knew it to be possible that Canada, from her position, might be exposed to all the horrors of war, by reason of causes of hostility arising between Great Britain and the United States—causes over which we had no control, and which we had no hand in bringing about—yet there was a unanimous feeling of willingness to run all the hazards of war, if war must come, rather than lose the connection between the mother country and these colonies.

The resolutions provide that 'there shall be a general legislature or parliament for the federated provinces composed of a Legislative Council and House of Commons.'"

Upon this Sir John says:

"The Legislative Council will stand in the same relation to the Lower House, as the House of Lords to the House of Commons in England, having the same power of initiating all matters of legislation except the granting of money.

In settling the constitution of the Lower House, that which peculiarly represents the people, it was agreed that the principle of representation based on population should be adopted, and the mode of applying that principle is fully developed in these resolutions.

There are three great sections, having different interests in this proposed Confederation. We have Lower Canada with other and separate interests, and especially with institutions and laws which she jealously guards against absorption by any larger, more numerous or stronger power. And we have the Maritime Provinces, having also different sectional interests of their own, having, from their position, classes and interests which we do not know in Western Canada. Accordingly in the Upper House—the controlling and regulating but not the initiating branch (for we know that here as in England, to the Lower House will practically belong the initiation of matters of great public interest) in the House which this sober second-thought in legislation—it is provided that each of those great sections shall be represented equally by 24 members. As may be well conceived, great difference of opinion at first existed as to the constitution of the Legislative Council. In Canada the elective principle prevails; in the Lower Provinces, with the exception of Prince Edward Island, the nominative principle was the rule. We found a general disinclination on the part of the Lower Provinces to adopt the elective principle; indeed, I do not think there was a dissenting voice in the conference against the adoption of the nominative principle, except from Prince Edward Island. The delegates from New Brunswick, Nova Scotia and Newfoundland, as one man, were in favor of nominating by the Crown. And nomination by the Crown is of course the system which is most in accordance with the British Constitution. We resolved then, that the constitution of the Upper House should be in accordance with the British system as nearly as circumstances would allow.

The only mode of adopting the English system to the Upper House is by conferring the power of appointment on the Crown (as the English peers are appointed), but that appointments should be for life.

The arguments for an elective Council are numerous and strong; and I ought to say so, as one of the administration responsible for introducing the elective principle into Canada. (Hear, hear.) I hold that this principle has not been a failure in Canada; but there were causes—which we did not take into consideration at the time—why it did not so fully succeed in Canada as we had expected. One great cause was the enormous extent of the constituencies and the immense labor which consequently devolved on those who sought the suffrages of the people for election to the Council? * * * Men of standing in the country eminently fitted for such a position, were prevented from coming forward. At first, I admit, men of the first standing did come forward, but we have seen that in every succeeding election in both Canadas there has been an increasing disinclination, on the part of men of standing and political experience and weight in the country, to become candidates; while on the other hand, all the young men, the active politicians, those who have resolved to embrace the life of a statesman, have sought entrance to the House of Assembly. The nominative system in this country was, to a great extent, successful before the introduction of responsible government.

The Lower House in effect pointed who should be nominated to the Upper House,

for the Ministry being dependent altogether on the lower branch of the legislature for support selected members for the Upper House from among their political friends at the dictation of the House of Assembly. The Council was becoming less and less a substantial check on the legislation of the Assembly; but under the system now proposed, such will not be the case. No Ministry can in future do what they have done in Canada before—they cannot with the view of carrying any measure, or of strengthening the party, attempt to over-rule the independent opinion of the Upper House, by filling it with a number of its partizans and political supporters."

HON. MEMBERS—Hear, hear!

HON. MR. PLUMB—I am going to be perfectly candid in what I say and I shall sustain that position before I get through with it. Alluding to the provision that there shall be 24 Senators from each of three great sections, he says that:

"It will prevent the Upper House from being swamped, from time to time, by the Ministry of the day for the purpose of carrying out their own schemes or pleasing their partisans. The fact of the Government being prevented from exceeding a limited number will preserve the independence of the Upper House, and make it, in reality, a separate and distinct Chamber having a legitimate and controlling influence in the legislation of the country. The objection has been taken that in consequence of the Crown being deprived of the right of unlimitted appointment there was a chance of a deadlock arising between the two branches of the Legislature; a chance that the Upper House being altogether independend of the Sovereign, of the Lower House, and of the advisers of the Crown, may act independently, and so independently as to produce a deadlock. I do not anticipate any such result! In the first place we know that in England it does not arise. There would be no use of an Upper House, if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere chamber for registering the decrees of the Lower House. It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch and preventing any hasty or ill-considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people. Even the House of Lords which, as an hereditary body, is far more independent than one appointed for life can be, whenever it ascertains what is the calm, deliberate will of the people of England, it yields, and never in modern times has there been, in fact or act, any attempt to overrule the decisions of that House by the appointment of new peers, excepting, perhaps once in the reign of Queen Anne. It is true that in 1832 such an increase was threatened in consequence of the reiterated refusal of the House of Peers to pass the Reform Bill."

"There is, I repeat, a great danger of an irreconcilable difference of opinion between the two branches of the Legislature if the Upper be elective, than if it holds its commission from the Crown."

"To the Upper House is to be confided the protection of sectional interests; therefore is it that the three great commissions are there equally represented, for the purpose of defending such interests against the combinations of majoriteis in the Assembly. It will therefore become the interests of each section to be represented by its very best men, and the members of the administration who belong to each section will see that men are chosen in case of a vacancy in their section. For the same reason each state of the American Union sends its two best men to represent its interests in the Senate. (Hear, hear!) It is provided in the constitution that in the first selections for the Council, regard shall be had to those who now hold similar positions in the different colonies. This, it appears to me, is a wise provision. In all the provinces, except Prince Edward Island, there are gentlemen who hold commissions for the Upper House for life. In Canada there are a number who hold under that commission; but the majority of them hold by a commission, not perhaps from a monarchical point of view so honorable, because the Queen is the fountain of honor—but still, as holding their appointment from the people, they may be considered as standing on a par with those who have Her Majesty's commission."

Now I will refer to what was said by an hon. gentleman who has gone from among us, who was the able leader of the Liberal party and who, even now, although he is dead, should be considered as speaking from his grave with the authority of one who, I believe, whatever may have been the difference of opinion that may have existed between him and the majority of this House, was a man who had at heart the well being of this country, who was desirous in every possible way to promote its interests and its development, and whose record in that respect is entirely unassailable. Here is what that hon. gentleman (the hon. George Brown) said:—

"But it has been said that the members of the Upper House ought not to be appointed by the Crown, but should continue to be elected by the people at large. On that question my views have often been expressed. I have

always been opposed to a second elective chamber, and I am so still, from the conviction that two elective houses are inconsistent with the right working of the British parliamentary system. I voted, almost alone, against the change when the council was made elective, but I have lived to see a vast majority of those who did the deed, wish it had not been done. It is quite true, and I am glad to acknowledge it, that many evils anticipated from the change when the measure was adopted, have not been realized. (Hear, hear!) I readily admit that men of the highest character and position have been brought into the council by the elective system, but it is equally true that the system of appointment brought into it men of the highest character and position. Whether appointed by the Crown or elected by the people, since the introduction of parliamentary government, the men who have composed the Upper House of this Legislature have been men who would have done honor to any legislature in the world. But what we most feared was that the legislative councillors would be elected under party responsibilities; that a partizan spirit would soon show itself in the Chamber; and that the right would soon be asserted to an equal control with this House over money Bills.

That fear has not been realized to any dangerous extent. But is it not possible that such a claim might ere long be asserted? Do we not hear, even now, mutterings of a coming demand for it. Nor can we forget that the elected members came into that Chamber gradually; that the large number of old appointed members exercised much influence in maintaining the old forms of the House, the old style of debate, and the old barriers against encroachments on the privileges of the Commons."

That is a necessity of the election of a body like this by the people—a direct election. Why should they be restricted in their control over the purse-strings when they represent the people directly, and represent perhaps a larger interest, man for man than any member of the Lower House? It is an inevitable consequence, and in that way the distinctive functions of the two bodies would be entirely destroyed.

"But the appointed members of the Council are gradually passing away, and when the elective element becomes supreme, who will venture to affirm that the Council would not claim that power over money bills which this House claims as of right belonging to itself? Could they not justly say that they represent the people as well as we do, and that the control of the purse strings ought, therefore, to belong to them as much as to us. (Hear, hear!) It is said they have not the power. But what is to prevent them from enforcing it? Suppose we had a conservative majority here, and a reform majority above—or a conservative majority above and a reform majority here—all elected under party obligations, what is to prevent a dead-lock between the Chambers? It may be called unconstitutional—but what is to prevent the Councillors (especially if they feel that in the dispute of the hour they have the country at their back) from practically exercising all the powers that belong to us? They might amend our money bills, they might throw out all our bills if they liked, and bring to a stop the whole machinery of Government. And what could we do to prevent them? But, even supposing this were not the case, and that the elected Upper House continued to be guided by that discretion which has heretofore actuated its proceedings—still, I think, we must all feel that the election of members for such enormous districts as form the constituencies of the Upper House has become a great practical inconvenience. I say this from personal experience, having long taken an active interest in the electoral contests in Upper Canada. We have found greater difficulty in inducing candidates to offer for seats in the Upper House, than in getting ten times the number for the Lower House. The constituencies are so vast that it is difficult to find gentlemen who have the will to incur the labor of such a contest, who are sufficiently known and popular enough throughout districts so wide, and who have money enough (Hear!) to pay the enormous bills, not incurred in any corrupt way—do not fancy that I mean that for a moment—but the bills that are sent in after the contest is over, and which the candidates are compelled to pay if they ever hoped to present themselves for re-election. (Hear, hear!) But hon. gentlemen say, 'This is all very well, but you are taking an important power out of the hands of the people, which they now possess.' Now this is a mistake. We do not propose to do anything of the sort. What we propose is. That the Upper House shall be appointed from the best men of the country by those holding the confidence of the representatives of the people in this Chamber. It is proposed that the Government of the day, which only lives by the approval of this Chamber, shall make the appointments, and be responsible to the people for the selections they shall make. (Hear, hear!) Not a single appointment could be made with regard to which the Government would not be open to censure, and which the representatives of the people, in this House would not have an opportunity of condemning. For myself, I have maintained the appointed principle, as in opposition to the elective, ever since I came into public life, and have never hesitated, when before the people, to state my opinions in the broadest manner; and yet not in a single instance have I ever found a constituency in Upper Canada or a public meeting declaring its disapproval of appointment by the Crown and its desire for election by the people at large. When the change was made

in 1855 there was not a single petition from the people asking for it—it was in a manner forced on the Legislature. The real reason for the change was, that before the responsible government was introduced into this country, while the old oligarchic system existed, the Upper House continuously and systematically was at war with the popular branch, and threw out every measure of a liberal tendency. The result was, that in the famous ninety-two resolutions the introduction of the elective principle into the Upper House was declared to be indispensible. So long as Mr. Robert Baldwin remained in public life, the thing could not be done; but when he left the deed was consummated."

"It was said: 'Suppose you appoint them for nine years, what will be the effect? For the last three or four years of their term they would be anticipating its expiry, and anxiously looking to the administration of the day for re-appointment; and the consequence would be that a third of the members would be under the influence of the executive.' The desire was to render the Upper House a thoroughly independent body—one that would be in the best position to canvass dispassionately the measures of this House and stand up for the public interest, in opposition to hasty or partizan legislation."

"I readily admit if ever there was a body to whom we could safely entrust the power which by this measure we propose to confer on the members of the Upper Chamber, it is the body of gentlemen who at this moment compose the Legislative Council of Canada.

Those are the opinions in regard to the constitution of this House which were expressed by the leaders of both parties, and which were approved and supported by the great majority of representatives of the different provinces. It was provided that Quebec and Ontario should be represented here by 24 members each, and that Maritime group should be represented by 24 members. Preference was given in the nomination to seats to those who had seniority in the respective Upper Houses of their own province. The Speaker was to be appointed by the Government. It was not proposed that there should be any departure from the rule which gave legislative powers to two separate bodies. Now under those circumstances the Senate was created in 1867, and is now fulfilling the functions which were then assigned to it. It may be interesting to see what has been the result of the application of that principle upon the body which I now have the honor of addressing. There are in this House at this moment 75 members. There are three vacancies, two of which are so fresh in all our minds that it is mournful to refer to them. One of the gentlemen was in the House which closed last year, and another sat in the seat which I now occupy, until last week, dying literally in harness. There is also a vacancy in Quebec, leaving, as I have said, the number now sitting here 75. We are told that we are an effete body; that we have survived the period when men take an active interest in public affairs; that we have come here to perform perfunctory duties which have grown to be of no consequence to the public; that we sit here in a sort of soporific indifference to what is going on around us; that we have as a rule only the desire to meet and adjourn and to draw that magnificent stipend that the generous government allows us for our services. Well, the average age of the members of the Senate is 62. That does not quite reach the fixed period which Mr. Antony Trolloppe assigned as that at which the residents of his Utopia should be gently suppressed by suffocation and then disposed of by cremation. I think 66 was the fixed period at which they agreed to sacrifice themselves and each other, but when some of the leaders of the movement approached it, difficulties arose respecting baptismal registration, and one of them peremptorily declined to submit, much to the disgust of a very disinterested lover of his daughter, and thus the arrangement which promised immeasureable benefits when the fixed period was far distant in the future, was broken up, perhaps some who hear me may remember the story. There are thirty-five gentlemen in this House under sixty and I do not think my hon. friend who has last been introduced (Hon. Mr. Poirier) would care to be suspected even of being one of the grandfathers. I am sure if my hon. friend opposite (Hon. Mr. Pelletier) is one, it is unknown to me. My young and enthusiastic friend the senior member for Halifax (Hon. Mr. Power) certainly has not arrived at that dignity yet, and there are many men around us who are in the prime and vigor of life, and although some of us are passing off the stage, I think the younger men in this body will compare favorably with those of any representative body that I have been acquainted with. Then we have with us—and I mention it with pride—five gentlemen who are octogenarians, and

who, for their attention to business, the aptitude which they bring to bear upon public affairs, the sedulous manner in which they discharge their duties, the blamelessness of their lives, confer an honor upon this body and are worthy to hold their seats by every qualification, by intelligence, ability, experience, independence and sound judgment. Every one of us who sit with them I know will join me in the prayer that that Providence which has permitted them so long to enjoy the honors of public life may allow them, the most honored and revered members of this assemblage, long to remain among us. My hon. friend who sits at the upper end of the front row (Mr. Ferrier) and who well deserves his position there, has been so long in public life that the second locomotive put upon a railway in this country was named after him ; I believe I am right.

HON. MR. FERRIER—Yes.

HON. MR. PLUMB—Well, now they are counted by thousands. The hon. gentleman carries the weight of four score and five, the Nestor of this House, and I venture to say at this moment he is in as clear possession of his faculties, and as able to discharge his duties as any member in it. I congratulate him upon again appearing among us after a dangerous illness. Every one when he came here to take his seat felt his heart warm towards him, and I was rejoiced to see the congratulations showered upon him, and I know it must have touched his feelings as it touched ours when he came back to us almost from "the valley of the shadow of death." I have taken a little pains to analyze the constituents of this assemblage, as I find them in the Parliamentary Companion, and as far as I could supply lack of information there by other inquiry. There are among us—I do not know whether fortunately or unfortunately—14 gentlemen of the legal profession, among them men who have won high distinction. There are 9 gentlemen of the medical profession, among whom are leading statesmen. There are 23 merchants and business men, shipowners, commercial men, successful men, many of them still engaged in active pursuits—men I venture to say of as high standing in their vocations as any men that can be found in any representative body, or in the commercial community. It is not invidious to refer to one who has his fleets upon every sea, whose business sagacity has won him great and deserved wealth, who is one of the largest shipowners and first commercial men of this Dominion. I need not refer to others who have had vast experience in public affairs, and who bring that experience to bear upon the legislative business of the country. There are 10 farmers. It has been stated the farming interest is not represented in the Senate, and the appointment of a very worthy farmer in Ontario was urged on that ground. My hon. friend who I regret is not in his place to-day (Mr. Reesor) is a farmer of great distinction in the north part of the county of York, where he has been a successful cattle breeder. My hon. friend from Compton (Mr. Cochrane) commanded the highest prices in the English and American markets for his splendid short-horns, and is now a pioneer ranchman in the North-West. Other men here have distinguished themselves as foremost in advancing the agriculture of their country. My venerated friend from Sackville (Mr. Botsford) is a farmer, and my hon. friend from Parkdale, Prince Edward (Mr. Montgomery) is also a farmer. My hon. friend the leader of the Opposition also cultivates a farm, although I have not classed him in the agricultural list. There are six bankers, eminent in their professions all of them ; there are six mill owners and manufacturers. I think we have one civil engineer among us, and he is certainly civil and courteous in a wider sense. There are several retired officials, one has administered the laws with dignity, ability and honor on the bench of Ontario for a great many years. He has lately come among us and we are happy to welcome him as one of our colleagues and I have no doubt that his usefulness will be felt as indeed it has already been felt here. Others have served with distinction as judges in the Maritime Provinces One has also lately come among us who has held the highest office that can be held in the Dominion next to that of His Excellency the Governor General, the Lieut. Governor of one of the provinces, who comes to aid us

with his large experience both as a Minister of the Crown and a high public functionary, a gentleman who, prior to his appointment as Lieut.-Governor, had been repeatedly elected by the people in his district to a seat in the Lower House, and who although he first took his seat in Parliament in 1860, is still in the prime and vigour of life and usefulness. There are three or four who are not classed, but who I think stand equally well and are equally entitled to public confidence as those whose names I have mentioned. Fifteen of our number are presidents or vice-presidents of banks or other chartered companies; ten more are directors of such companies. Four are consuls or consular agents. Eight are lieutenant-colonels. Sixteen gentlemen—more than one-fifth of the whole of this body—have been Ministers of the Crown, either in the Dominion or in their respective provinces. Fifty-three have either been elected by the people to one or other branch of the Provincial or Dominion Parliament, or appointed to the Upper Houses of their provinces before they came here. All of these fifty-three had received evidence of the public confidence in their ability and integrity, and I fail to see that they are not still entitled to that public confidence. It has been said that some of us have been sent here who have been unsuccessful candidates. Well, my reply to that is, that if we had been successful candidates we should not have been here. I was accused of having been pitch-forked into the House. I do not understand exactly the meaning of the term, but certainly I may say that those who know me and who know anything of my previous political career will certainly do me the justice to say that I was not an earnest petitioner for a seat in the Senate of Canada, however great an honor I might have considered it. My relations to the House of Commons had been most agreeable; there I made my entry into public life; I had made many friends there, I hope I have retained their friendship. I was not acquainted with this body, and I confess frankly that until I became acquainted with it, until I had sat in this House for two Sessions, I did not appreciate its claims to public confidence, and I did not appreciate its true position, and it is because I do now appreciate both, and because I feel that I may have done it injustice in my first estimate, although I was duly sensible of the honor of joining it, that I venture perhaps the more freely to say what I am saying now. I came here with reluctance because I lost a position such as it was, that I had won with hard work and against many disadvantages, in the House of Commons, and I felt, as a friend said I appeared, almost as if I was going to my political funeral when I came here. I trust it is not quite so bad, and if I am to be buried here I hope I have made friends who will regret me and drop a tear to my memory and acknowledge that I was not quite as bad as I have been represented to be by "our own correspondent." Twenty-two of those who are still among us were called by royal proclamation at the original constitution of the Senate. It is only eighteen years ago. It is certainly an indication of of the flight of time, and the certainty of that which is the most certain of all things pertaining to humanity, when we find that out of all the 72 members who assembled here in the first instance—the foremost men in the country, men who were happy to find their desires for the union of the provinces accomplished coming here to enter upon a new era, to inaugurate a new history, to aid in cementing and consolidating the stately structure of the Dominion, meeting in this chamber, exchanging greetings and congratulations here, with high hopes and loyal aspirations, most of them probably with promise of long life—but twenty-two remain. Long may they be spared, and I am sure every one of their colleagues will join me in the hope that many many years may pass before the original constituents forming the Senate will be extinguished from among us. I have attempted, but not with quite as great accuracy as I intended, for my analysis has been hurried, to compare the House of Commons, as regards professions and average ages, with the Senate. I find that we have 14 lawyers among our 75 members, they have 56 out of 211, more than a quarter of all their number. It is doubtless because of the great esteem in which that profession is held that they have been selected in such numbers to fill seats in the House of Commons; but it seems to me, with the utmost defe-

rence to my friends of that profession, that it is rather too many of one sort in a Representative House. There are 38 merchants; 27 farmers; 9 manufacturers, 7 contractors, and 18 doctors; the medical profession is also strong there as with us. The average age of 198 members of the Commons—all that are given in the Parliamentary Companion—is 48½ years. Ours, as I have stated, is 62. The difference is far less than has been supposed. I think I have been able to show that an appointed House may contain elements of usefulness that would hardly be expected to be found in an elected body. I undertake to say that under the system, however imperfect it may be, men are gathered together here who will compare favourably with those of any elective chamber that can be found. It seems almost certain that under the elective system which has been proposed, whether by the legislature or by the people, it would be imposible to bring together an assemblage of men, so varied in attainments, so largely experienced, so competent to fulfil the duties that are assigned to them, as may be found in this body. I do not use words of flattery; I speak from honest conviction. I believe those who have listened to what I have stated already will clearly agree with me that such is the case. Now, it is proposed—and I am not sure but that it is to be made part of a political platform in the near future if we may judge from what we hear and read that this body should be annihilated or revolutionized in some way; at all events that it should be radically changed. There are four or five propositions that have been made from time to time. One is, to make it an elective body. I think I have already stated where the difficulties lie in this respect. The constituencies are so enormous that it is next to impossible to face them. The members of the Upper Chamber, if elective, would simply be rivals of those of the Lower, perhaps with a longer lease of power, and certainly with more importance as representing larger constituencies; a dead-lock would be almost inevitable if they were both influenced by the same impulses and sentiments. It has been admitted that a second chamber should be quite dissimilar in genius from the immediate representatives of the people. Another suggestion is that it should be nominative, like the United States Senate, by the several Provincial Legislatures. Each State sends but two senators, and one often sees the agitation and alleged corruption which results, what then would be the effect of the patronage of 24 seats? Could it be other than partizan? Mr. Mills has said that this Chamber, owing to the method of its appointments, does not possess two necessary requisites for good government: first, familiarity with the objects of government; and second, knowledge of the means to be employed. I say that it has both in a high degree, certainly as high as the elective House, and those who know both Houses will agree with me. A third proposition might have been imagined a joke had it not been for the source from which it emanated. It was, that inasmuch as the senators had certain vested rights which, in the lifetime of those who held commission, should not be interfered with, they might be provided with a separate kind of apartment in the House of Commons, and might be permitted to sit there, to take part in debates, but not to vote. That was a proposition of one of the principal papers of this country, made in all gravity in a leading editorial article. I could hardly believe my eyes when I saw it. I suppose it was a dim idea that the Senate might abdicate itself and consent to perform the kind of function that is performed by the representatives of the territories in the United States. Each territory is permitted to send a delegate to the House of Representatives in Congress; he cannot vote; he merely sits and looks on, and to all intents and purposes he might as well stay in the district from which he came. Another proposition is to abolish the Senate altogether, and to have a single chamber like that of Ontario. I think that is the growing desire of a certain radical portion of the community. But their attacks are not made by argument; they are not based upon constitutional grounds or methods. You do not hear anything like a fair statement of the case. The weapons principally used are ribald abuse and utter and shameless perversion of facts. It is true that upon two occasions the questions involved in a change were presented and urged in a parliamentary manner, and, except for a slight departure, which was in very bad taste, I may say

that the case against us was very ably and very skillfully presented by the Hon. Mr. Mills, who in 1874 and again in 1875, brought forward a resolution that the Senate was not constituted in conformity or harmony with the other branches of the constitution under which this Union was formed. He made, as he always does make, a thoughtful and able speech. He did descend, as I have said, to a little ribaldry about the patriarchs: that was a mistake. I am almost sorry that he permitted himself to indulge in it, because his general argument from his particular standpoint was able and suitable, and did not wholly deserve the contemptuous criticism which it received from his party chief. He believed that the Senate ought to be made elective, either by the provinces or by the people; and he quoted the American Senate in support of his contention. It is his habit always to refer to the American system, to which I think he is very much wedded. He was followed by a gentleman on his side whose memory we all respect, and who was one of the ablest of the young men of Ontario, the late Chief Justice Moss. He agreed with Mr. Mills in thinking that the Senate was not properly constituted, did not by any means agree with him in the idea that it should be made elective, or that it should be nominated by the Provincial Legislatures, except with a provision for securing the rights of the minority by some such method as prevails in striking special committees in Parliament. Neither of these gentlemen proposed to efface the Senate. The changes they advocate are fair and legitimate subjects for discussion, and no objection can be made to discussing them. There has been no attempt since, that I remember, to agitate the question in the Commons, but some of the leaders of the opposite party have frequently taken occasion during the recess, at picnics, and other public gatherings, to spice their harangues by ridiculing the Senate. I think they have done it in a way derogatory to them as public men. They have attempted by sneer and sarcasm to do what they could not certainly attain by argument, and I do not think that the leading speakers of a great party have been doing what was at all appropriate to their position and influence in attempting to belittle an assembly which exists by virtue of the constitution embodied in the British North America Act, which fulfils, so far as I can judge, with dignity and propriety the functions which have been assigned to it. I do not think that the slurs which have been cast upon it have been merited and I think that every man in this House must feel that he himself has been personally wounded by the course which has been pursued. Why, gentlemen, last summer there was a great so-called Liberal meeting at Harriston, in the riding of North Wellington, in which I met with my misfortune in 1882. Mr. Blake was present and was pleased to be facetious in remarking that I had been sent to this body of "antiquated old fogies" or words of similar effect to console me for my defeat, and he was followed by one of his chief supporters, who tried to show how many minutes we sat last session, how after we sat so many minutes one day and so many minutes another we were so fatigued with our labors that we took a vacation of ten days to recuperate. He converted the number of hours we were in session into days of 24 hours each, and I thought that was longer than the most ardent men of his party would be willing to sit in the session in the Lower House and listen to his mighty voice. Not long ago I happened to be in Lennox, where an election was going on; I looked in at a public meeting which was held at Napanee by Mr. Allison, the Grit candidate. My friend of the Harriston meeting was there. He saw me and asked me to come to the platform. I told him I could not very well do so, that I had an engagement which prevented my remaining until the meeting would be over; he urged me, and when I still declined he said he intended to make the Senate the theme of his speech. I listened long enough to hear him repeat the same speech which he had made at Harriston. I remarked that it was an excellent speech and I hoped he would continue to make it. But the constitution of the Senate was not at issue, and it looked very much as if he had nothing to say against the Government or he would not have made such a speech upon the occasion of the election of a member to the House of Commons. I felt too that he might be condoled with because the people did not take any inter-

est in his contention and he did exactly what he did not intend to do; that is to say he strengthened the hands of the gentleman running on the opposite ticket and his candidate was defeated; whether it was on account of his attack on the Senate or not I do not undertake to say; but such was the case. He took nothing by his motion. Through our own indulgence largely I have no doubt, a portion of the press has led the public to suppose, that we are derelict in our duty; that we wish to sit in secrecy; that we do not want reports of our proceedings, that we wish to exclude reporters; that we are not competent to judge of our own affairs; that we are principally engaged in divorce cases, which under the Constitution are relegated to this House, a part of our imperative duty which every man of well regulated mind considers a most painful one—that we are so devoted to that employment that we wish to exclude the public in order to have all the pleasure to ourselves of questioning parties who come for divorce bills; that we roll the answers like sweet morsels under our tongues; that our questions are of a character which we do not desire the public to hear. I may say that such scandalous insinuations are entirely unworthy of those who are endeavoring to effect a revolution in this body. We are required by the rules to exclude the public from divorce committees. There are proper methods of attack and we are ready to hear any arguments against us; the public wish to hear arguments and not abuse; they do not sympathize in the unfair criticisms upon us, and I venture to say that the disgraceful course of some portions of the press will react upon those who have pursued it. I think that this whole body are bound by every rule of honor and justice to repel that kind of attack either upon individuals or upon the Senate as a whole. Some of our most respected and revered members have been held up to public scorn so far as it can be done by those who are unworthy to be named in this place, and I shall not attempt to particularize or say who they are; but it is well known. And if there are any gentlemen in this House who have sanctioned or encouraged attacks of that kind, I must say that they can have no proper gentlemanly feeling and no regard for the dignity of the body to which they belong. The constitution of the United States which has been constantly quoted in regard to the Senate as a model to us, the method of appointing senators in the Uuited States and the rules of that body are entirely different from ours. Our Senate, like that of the United States, was constituted for the purpose of giving equality in the Upper House to the various members of the Confederation, giving to the Maritime Provinces representation in this House to make up for the inequality of numbers in the other House. The United States Senate is represented by two nominees from each state. Delaware, which has only three electoral votes, has two senators, and an equal voice in the Senate with New York which has 35 electoral votes. The senators were originally elected for different periods. A portion went out every four years and senators were elected to replace them, and in that way there never was an entire revolution or an entire change, and the Senate was never composed entirely of new members. They attempted to adopt the rules of the British House of Lords; but being elected by the people they made a radical difference. While the Senate could not inaugurate or initiate money bills, it can amend them, or add to them, or take from them, or reject them. It has full power over money legislation except in the matter of its inception. It has also the power of impeachment. In the case of impeachment of a President the Chief Justice of the Supreme Court presides in place of the Vice-president, who is the president of the Senate *ex-officio*. It was attempted, without success, to adopt the rules of the House of Lords, but that was found impossible. The Speaker exercises almost arbitrary power. He is not the organ of the Senate; he does not enforce the orders of the House as with us; there has been so large a discretion given to him that, if he choose to exercise it, would result in absolute and intolerable tyranny, but it has not yet been found that any Speaker has made use of his authority in such a way as to give rise to any serious trouble. Three or four simple rules have been adopted. Beyond them the rules of the British Parliament are used as precedents;

but the practice in giving unlimited power to the Speaker seems to be not quite in accordance with legislation in an entirely ree country. There has been no abandonment in the United States of the bicameral system. It was part of the provincial system before the Revolution. It has been adopted in each State legislature as in that of the Federal Government, and and I am not sure that the evolution of free governments naturally leads to a result of that kind. It is quite lately that we have been told that there is a new nationality springing up in Europe. The Finns who have been a part of the Russian Empire have been trying to set up for themselves, and they have done so to a considerable extent. They number two millions and a quarter of most provident, economical, and intelligent and worthy people, who, like all the nations of the north are hardy, industrious and thrifty, and true to the principles of freedom whenever they have been permitted to show their aspirations. Those people have gone beyond us, they have gone beyond the United States, by adopting a legislative system consisting of our chambers ; representing separately the Nobility, the Clergy, the Towns and he Peasants, which are convoked every four or five years, but only for four months. Each chamber discusses all affairs separately. They can discuss only those laws which are proposed by the Emperor of Russia, o whom belongs the final veto. He has, moreover, the right of issuing decrees, he limits of which are not well defined. The chambers consist of 121 nobles, 35 deputies and clergy, 44 representatives in towns, and 59 peasants elected in two degrees. That is altogether a legislature of 255 members. It is only very lately hat we have had any account of its workings, but it is rather noteworthy that when people are left to themselves they are not disposed readily to adopt the system of a one-horse legislature, if one may call it so without impropriety, but they go rather to the other extreme. It was my intention in moving this resolution to elicit if possible expressions of opinion with regard to it from those with whom I have the honor to be associated. I have spoken at perhaps greater length than I ought to have done, but I fancy that the nformation which I am bringing out will be of service. I claim no originality in the matter. I have only attempted to condense that which is accessible to every member of the Senate if he chooses to look it up. I thought at this time that it would be advantageous for some member of this House to endeavor to show how this body was composed, and what was the practical effect of the nominative system. I have stated what is its *personnel.* The Conservative party largely preponderates here, but when by a revolution in public sentiment in 1874 a Liberal government was established with an overwhelming majority in the other House, instead of being obstructive, instead of standing in factious opposition to the Commons, it refused to concur in five Bills only during the five years of Mr. Mackenzie's administration. One was a Bill to change the representation of the County of Huron, taking a township out of one riding and adding it to to another. It was called the "Tuckersmith Bill." There was no general redistribution of constituencies, and the Senate I think very properly and very praiseworthily rejected the Bill. There was no petition for it ; it was proposed by a gentleman who held a seat in the other House, whose election had been protested, and he introduced this Bill for the purpose of strengthening his position in the constituency which he represented, in case he should lose his seat upon petition and have again to seek election. The people in the Township of Tuckersmith had already voted in one riding, and here was an attempt to transfer them bodily to another for the purpose of securing his re-election, if unseated by the Court. Another Bill rejected was one respecting the County Court Judges of Nova Scotia. It was introduced again in the Lower House the following session, and having been satisfactorily explained, was passed here when brought up from the House of Commons the second time. The third was a Bill for the construction of the Esquimalt and Nanaimo Railway ; in that case the majority were strengthened by a vote of certain leading senators who usually supported Mr. Mackenzie. The Bill was rejected with their assistance. Another measure was one brought in for the purpose of changing the fiscal year. It was believed by those who opposed the Bill that it would be unfair to pass such a

measure in the midst of a term of Parliament, because by changing the period of the fiscal year it would prevent a proper comparison of the expenditures of one year with another; and therefore although it passed the other House it was properly arrested in this body and rejected. Another Bill would have effected the disfranchisement of a portion of the electors in Prince Edward Island, and I believe there is no gentleman representing that province that would not approve of the course which the Senate took to prevent that Bill from becoming law. I am not familiar with its details. These were the only instances during the period of five years, while the late administration held power, in which refractory and obstructive body, as it has been called, rejected Bills passed by the Commons, and I do not think that under all the circumstances it can be said to have exceeded its power or to have done anything which was not in accordance with justice, with proper legislation, and with its constitutional right. This is the only evidence we have had of what this body would do if the gentlemen who are in opposition now should come into power again. I believe that the former leader of the Opposition has stated that he had been disappointed in the Senate—that he had been in accord with Mr. Brown in advocating a nominated Upper Chamber, but that the working of the Senate had not been satisfactory, and that he has joined others on his side of politics in assuming a hostile attitude towards us. I know there are many members of the Opposition in the other House who do not accord with the view of Mr. Mackenzie or of the ultra members of the party, and I do not intend in any remarks which I do not mean to say that it is made part of the platform of the party, but I say objection to it has become so large a part of the political discussions of that party that it is more than probable that it will be an object of attack at the next campaign, and it is well for us to know that we are to be put upon the defensive. I think, however, that the more fully the subject is discussed, the more fully it is ventilated in a proper manner, the more this hon. House, as now constituted, will commend itself to the judgment of right-thinking people; the more this hon. House will be found to have in every way respected the authority under which it exists, the more it will be found to have been in perfect accord with the principles upon which its constitution was based, the more it will be found to have taken a dignified, intelligent and proper course, the more it will be found to be able to judge and to judge properly upon all public questions, and I doubt if any legislative body could be created by any other method that would fulfil these functions more properly, with more propriety, and more for the public benefit. It is for that reason that I do not see that there is any adequate cause for the agitation to change its character. Such an agitation is of little consequence to me; it is of small consequence to several who sit in this House. Long before it could result in permanent change many of us will have passed beyond the point where we will be sensible either to praise or blame. Therefore, it is only with a feeling of sincere regard for the welfare of the country, and not with any selfish idea or for any party purposes, that I have made these remarks to the Senate to-day. I think we owe it as a duty to the country and to ourselves, and to those who are to come after us, to hold to the constitutional authority with which we are clothed, and to endeavor so far as possible to thwart the designs of those who in breaking in upon the constitution of the country, or attempting to do so, would destroy largely the usefulness of a second Chamber. I say again that I do not believe there is any method by which a body of this kind could be constituted which would not be open to many objections; there is no method that would not meet with cavil and criticism; but so far as I can judge—and I am within the judgment of this House in making the statement—I do not believe that any system could be adopted which would result more satisfactorily than this. It is perfectly certain that as long as a party remains in office and holds the power of nomination it will be found—for Ministers are only human—that gentlemen will be appointed to this Chamber who are in accord with the Government of the day. I wish it could be otherwise. There are now two Ontario vacancies in the Senate. I would hold up my hands with joy to have those vacancies, if it were possible under

political exigencies, filled by leading gentlemen who are not in accord with me in political opinion.

HON. MR. DICKEY—Hear, hear!

HON. MR. PLUMB—I say it with all sincerity.

HON. MR. DICKEY—I say so too.

HON. MR. PLUMB—If it were possible to give it to a gentleman I have in my mind to-day, who is unable to cope with the stress of work in the House of Commons, who was the leader of the party after the death of the Hon. Mr. Brown, and was superseded, as I think, without good reason, I would welcome him here most cordially. Everyone knows that no Ministry is so constituted that it could depart from the traditions of party so far as to disappoint its own friends. I only wish it were in my power to bring about such a result as I have suggested. I should be glad indeed if a number of gentlemen, who are in opposition to us, could be added to those members of the Senate who now sit upon the Opposition benches. I should be delighted to see them here and I believe that is largely the feeling of the Conservative party to-day, but as it has happened, with the exception of five out of the eighteen years since Confederation, the people have chosen to keep my hon. friends in power, and the people are represented by Senatorial nominations. They have been made by a Government having the confidence of the people. All the Conservative Senatorial nominations came through their hands. It was really not so much our fault perhaps that our leaders have yielded to party influence, which affects Ministers as well as other men. The Christian principle of turning the other cheek does not always actuate people, and I suppose when openings have occurred itself those otherwise qualified have been selected, who have had a claim on the Government for party services and for faithfulness in the discharge of those services.

HON. MR. POWER—Hear, hear!

HON. MR. PLUMB—I think my hon. friend from Halifax is a striking exemplification of it. Of course he was sent here by the Government which he supported in consideration of his long party services. It is not surprising, therefore, that the Government now in power should be actuated by the same grateful consideration. Therefore if the Senate is as I acknowledge it is, largely on one side, it is so because for a long period the people of Canada have given their sanction by their votes to the Conservative cause and have kept the Conservative government in power; that is a necessary consequence. If the day comes when my hon. friends change places with us, I have no expectation that they will call the defeated candidates of the other side to assist in their councils. I expect them to do as we have done, as they did when they had the opportunity, and I can only say that when the time comes if they fulfil their duties by bringing into this House such men as now sit here—such men as I have seen introduced here within the last year or two—men who would be an honor to any legislature in any country—I shall say that they have done wisely and that they have done well.

HON. MR. SCOTT—The notice which the hon. gentleman who has just taken his seat put on the paper, calling the attention of the Senate to the unequal distribution of the business which comes before Parliament, is an extremely important one; and I was in great hopes that, after giving us the best possible evidence that the Senate was not doing its share of the work of legislation, he would suggest a remedy. He gave us the figures of 1882, in which he showed that out of some 80 Bills brought before Parliament only one-tenth were introduced in the Senate. He has given us the figures of what we know ourselves from practical experience, using his own words, that the Senate is not appreciated by the people outside. He has shown, at all events, that the Senate is not sought for by the people as a medium to bring about desirable changes in the laws of the country and for procuring legislation. The hon. gentleman failed to point out in any degree where the remedy was to be had; he immediately broadened in his subject, and he went into a general encomium on the constitution of this body, both as to its foundation and its

individual members. I do not propose to follow my hon. friend through the long and very interesting speech he has given us and the statistics he has laid before us as to the constitution of this House. He has shown from the character of its members socially and intellectually, and their business position, it is quite equal to any average elective body. The hon. gentleman, strange to say, has not discovered what struck me as a weak point in his speech, that the Senate, as at present constituted, is practically a failure. He started out with that idea, and then endeavored to prove that it was a capable body which fulfilled its position in the constitution of the country, and was quite equal to all the labor that could possibly be thrown upon it. Now it must have been obvious that the hon. gentleman gave the constitution of the Senate more substantial stabs than many of the gentlemen to whom he has made reference had inflicted on it, because he, himself, pointed out that for a long series of years the Senate has not been doing any substantial work. He gave us evidence and figures, evidence which we ourselves unfortunately possess, and he at once took up an entirely new topic, having adverted briefly to the most important one with which he set out, that is, of considering how the business of Parliament might be better distributed. He chose to take the view that the Senate, as a legislative body, had been wisely constituted as it is, and that any change would be a great mistake. Now my hon. friend admits that we are not of the people; that the people do not recognize us; that here are those beautiful galleries all around with space both before and behind, and yet scarcely a soul day by day comes in to see what we are doing. He makes allusion to the press of the country which occasionally reflect upon the Senate, and point out that we are doing very little work. I presume, so far as the press is concerned, that they cater to the public taste; what the people like to read in the papers the newspapers furnish. If the people do not care to hear anything about the Senate, it would be folly for the press to furnish pabulum which the people would not read. The solution of my hon. friend's problem is to be found in our not being of the people or part of the people, and it must be evident to anybody who takes an interest in the future of this country that it is utterly impossible for the Senate to continue as it is. The Senate, whether we like to recognize it or not, does not occupy that high position in the public mind to which, I grant you, the intelligence and the social and intellectual position of members justify us in believing it to be entitled. There must be something radically wrong in the constitution of this House when we fail to obtain that important position in the eyes of the public that is our due. The only conclusion that I myself can come to is that its constitution has to be altered, and at no distant day, because I cannot, during the time I have been in the Senate, see that there is any very marked improvement, or that we are obtaining a larger portion of the public business than we formerly did. We are here, it is true, quite ready to consider private bills when they are brought to us. There are many private bills that cannot be brought before the committees of the other House at an early period of the session, and yet we are here waiting day by day in the committee rooms capable of considering those bills and discussing them with the gentlemen who are interested in promoting them—as capable of dealing with them as the committees of the other House—yet they do not come. As the hon. gentleman from Niagara has pointed out in language that cannot be misunderstood, there must be something unaccountable in the remissness of the public to appreciate the Senate. He has gone analytically into our constitution; he has shown how many lawyers and doctors and distinguished merchants there are in this body, and he has been, no doubt, able to point out in the category a number of gentlemen who hold very high positions in this country, men who possess sound judgment, and who have been successful in their own affairs, and are the best possible judges of the changes in the legislation of the country required from year to year. He has proved all that conclusively, and yet he admits that there is a failure somewhere; there can be but one alternative, and that is we must come nearer to the people or bring the people nearer to us. They must take a deeper and more individual interest in this House;

and how is this to be acquired? By going back to the original conception of the constitution in a democratic country like Canada. (No, no!) My hon. friends say "No, no." Will they propose any other solution? The question has been forced upon us by my hon. friend opposite, and perhaps it is right that we should look it in the face and consider it in all its phases. And why not consider this question, which is a very large one? The hon. gentleman is entitled to our thanks and to the thanks of the public for having launched the subject before the people at the present time. I say there is this to be laid down as a premises, which I think will warrant me in saying that every gentleman who listens to me can speak of this question as if he were not of the Senate—that is, he can take a high and broad view of it; he can look at it not as affecting himself, because hon. gentlemen may accept this proposition as true, that whatever changes are made in the Senate in the future the gentlemen who are here in the Senate will not during their lifetime be disturbed. In the introduction of new blood into this House, if it is thought wise in the interest of our constitution that it should flow through a new channel, the changes will not come by twenty-four men being sent at once from any one province, but will come when the time is appointed for bringing them about, as they ought to come, by a slow and gradual process. The process will be so slow that we ourselves will scarcely notice it. It will come simply in filling up the vacancies that nature herself creates from time to time; so that that is not an argument to be used, and it is proper that we should take a broad view of this question and look at the future of this country. We should cast our personal preferences entirely aside, because they must be and will be cast aside when the time comes for statesmen to consider this question. I have felt that sometime or other it had to be met, that public opinion had to be expressed upon this question, because I say to-day that the Senate does not represent the people of Canada in anything like a fair proportion to their political numbers outside. There are to-day in the Senate, if the vacancies were all filled up, seventy-eight Senators. Of those some sixteen or eighteen belong to the Liberal party. Will any gentleman tell me that that is their fair share of the representation in this Chamber? Certainly not. There is something wrong even in its constitution. My hon. friend says what is very true, that one political party has had a long term of office, and in that way has from time to time filled up the Senate with its nominees; that under our system that follows as a matter of course that vacancies should be filled as they occur with political supporters of the Government. Does not that show that where a political party is long in office the tendency is to make this House entirely one-sided? My hon. friend says it is not a partizan Chamber; and yet he tells us that he attended a recent election meeting at Napanee, and that he was at another which took place in a western county.

HON. MR. PLUMB—No I did not say that.

HON. MR. SCOTT—I thought the hon. gentleman said he had been invited to the platform.

HON. MR. PLUMB—That was at Napanee. I attended that meeting but I did not attend the other.

HON. MR. SCOTT—The hon. gentleman attended one meeting, at all events, as an adherent of his party—a very able one when he addresses an audience from a public platform—and was invited to participate in the meeting; and yet the hon. gentleman tells us that this is not a partizan House. I answer him with the proof he furnishes us from his own mouth; it must be so from the constitution of the House. It is idle to discuss it. We cannot completely metamorphose our feelings. We come here either as Conservatives or Liberals, and we, none of us, cut adrift from the political leanings with which we enter this House; and so the House becomes constituted in the disproportionate manner to which I have adverted, and which is not a true representation of the political feeling of this country. It is quite true that the Conservative party have to-day a very large majority in the other Chamber; but yet when you come to analyze the votes as they were polled at

the very first session of the present Parliament, you find that the majority by which that large Conservative representation in the House of Commons was elected was a comparatively small fragment of the voters of this country. So it was when it was said that the Liberal party had made a clean sweep in the election of January, 1874. Precisely the same thing occurred. The Conservative speakers produced figures which showed that in a very large number of constituencies the successful candidates were elected by very small majorities, ranging from 10 to 100.

HON. MR. PLUMB—But they were carried.

HON. MR. SCOTT—Yes, and the Liberal party had a large majority in the House of Commons; but it did not justify them in saying that a large majority of the people were with them at that time, and subsequent elections showed that it would not be correct reasoning. I mention this to show from the figures before us that this House does not reflect the sentiments of the people. My own view of what the constitution of this House should be is that it must come from the people by some means or other. The hon. gentleman has proved, himself, that at present it is a failure; that we are not doing the work that legitimately belongs to us; that the people will not come to us; that they will not introduce their business in this Chamber; that they do not know us; that we are far from them—that the business of Parliament only comes to us during the last month of the Session, and then because it has to come here under the constitution, until that constitution is changed. The fact is nevertheless there that if we look in that direction for the necessary change that is to be brought about it can only be in one way, in that of making it more popular and more acceptable to the great mass of the people, and that can only be done by an election through some channel or another, either the local legislatures or the people. My own opinion is that it should come from a large franchise—it should cover, of course, large areas. That was apparently an over-ruling objection in the mind of the late Mr. Brown when he spoke of the elective principle. I think my hon. friend in quoting from Mr. Brown's speech, said that the principal objections were two—the great area that necessarily had to be represented by the 24 gentlemen from each of the three great divisions, and the great cost which it would entail. It is to be hoped that these are not insurmountable barriers to the consideration of a constitutional question like this. They should not prevent it in connection with the necessity that my hon. friend has proved to exist for this change; but I repeat when the change does come the Senate may be assured that it will come in that gradual way that none of us will perceptibly feel it.

HON. SIR ALEX. CAMPBELL—That is consoling.

HON. MR. SCOTT—It is just as well to let that be understood and let the subject be discussed on that basis. I say that no one professing to make a constitutional change would attempt to disturb by a revolution, so to speak, the constitution of one of the important branches of Parliament.

HON. MR. PLUMB—That is the way it is urged though. We do not hear of any other project.

HON. MR. SCOTT—I have not heard it urged in any such sense. I fail to catch the public sentiment approving of any such arbitrary and revolutionary doctrine.

HON. MR. PLUMB—My hon. friend has been so long in the Senate that he has become conservative.

HON. MR. SCOTT—I do not think that there is any possibility of any party carrying a proposition so extreme and so absurd on the face of it.

HON. MR. PLUMB—I do not think there is.

HON. MR. SCOTT—The gentlemen who are here will remain here for the natural term of their lives. No change can affect them; and therefore in considering this question they can look at it from a standpoint entirely irrespective of their seats, which are assured to them, and

therefore it places them in a very much better position to discuss the question in a broad and statesmanlike manner—to discuss it in view of the future of this country and what is best for Canada. Now I did not propose to discuss this, but my hon. friend has forced the subject upon the Senate.

HON. MR. PLUMB—I am glad of it.

HON. MR. SCOTT—But while the hon. gentleman has put a notice on the paper for a very practical proposition, and one that I would have liked very much indeed to have heard him discuss at even greater length than he did, and to have heard him point out where the evil can be met and remedied—he has broadened into a discussion on the constitution of the Senate itself and sustained the view of those who, at the Confederation, thought that a nominated House would have advantages over an elective House. The whole tendency of this age is to election by the people. I do not think there is on this continent, or in South America, another nominative house besides this. There are comparatively few in Europe even now. The whole tendency, even in monarchies, is in the direction of a House more directly created by the people. I do not know that I owe any apology to the house for going into this question. It was one that became inevitable from my hon. friend's observations; but I should much have preferred had my hon. friend formulated that motion with a clear statement on the face of it of what he proposed to discuss, in order that all of us might approach the subject fully prepared to deal with it. The hon. gentleman has given us no suggestions as to how he seeks to remedy the evil of which he complains. He admits that the evil does exist; that it has been a growing one, and that he sees no way out of it; at the same time he tells us that the Senate, as at present constituted, is in its very best possible form.

HON. MR. POWER—Before the Minister answers, I wish to say a few words on this subject. I regret that the hon. gentleman from Niagara, to whom we owe a debt of gratitude for the very interesting speech on the bi-cameral system generally, did not give us notice of the field he intended to travel over. I think it is taking an unfair advantage of the House to limit his motion to a very narrow and practical scope, and then to branch out into the discussion of a very broad and important constitutional question. I do not propose to follow the hon. gentleman into that constitutional question, but I wish to say a few words on the practical question. The hon. gentleman read us two very interesting quotations from the speeches of the present Premier, and of the late Hon. George Brown in 1866. In a portion of the speech quoted by my hon. friend, Sir John Macdonald said that the Upper House would naturally not be an originating body; and I think my hon. friend should have taken his cue from that. Where there are two Houses, as we have here, one elected directly by the people, and another nominated by the Crown or by the representative of the Crown, the latter will not be an originating one. The body which is elected by the people, which has direct relations with the people, is the one to which the people will come with their measures as a rule; and our experience in that way is the same as the experience of other countries. It is true that in England they find this inconvenient, and they have entered into an arrangement as to private bills by which a certain proportion shall be introduced in the House of Lords; but the general experience of the House of Lords in England, and the nominative Legislative Councils in the Provinces of Canada and similar bodies elsewhere has been that the great bulk of the business originates in the Lower House. Now, I think that we should accept the situation. We are not an originating body; then what are we? My contention is that a House such as ours is should be a revising body. And I submit that, as a revising body, a nominated house has a good many advantages. The functions of a House like this I take to be principally, first to revise the legislation which comes up from the other Chamber, and which is not always very well considered. I do not mean to say that it is not considered as well there as elsewhere, but legislation from one chamber is not very well considered. Another important duty, and one which we do not always fulfil, is to prevent too hasty legislation—

to prevent legislation which is made on the spur of the moment, to subserve party exigencies or for some such purposes as that. That would be a most important function of this House; and I can see that when Mr. Brown and Sir John Macdonald were framing our constitution they looked forward to this House performing a duty in that way, which, I regret to say, it has not as a general rule performed. We find Sir John Macdonald speaking of the Upper Chamber giving an opportunity to the people to exercise a sober second thought. Now that is really one of the most important functions of a House like ours; and it is a function which I think no hon. gentleman will pretend to say this House has fulfilled since 1878. In certain instances before that perhaps it did, but it has not since 1878. That is just one of the objections to a House constituted as is ours. It allows for the sober second thought in the case where its political complexion differs from that of the Commons but not in the other; and looking at the scope of the measures that have passed and the vast importance and the serious results that have flowed and will flow from certain measures passed since 1878, it would have been very well if this House had acted in a less partizan manner and given opportunity for that sober second thought. I have not confined myself, as I said I would do, to the practical question, but I will give one reason why the Senate is not thought as much of by the people as it should be. It has come to be regarded as a registering body; whatever the majority of the House of Commons decide upon in any important question, it is taken for granted that the Senate will ratify. I should suggest to the hon. member from Niagara, and those who think with him and who are anxious that this House should stand well in the opinion of the people, that they should assert the independence of this House and see that this House discharges the duties which the Premier and other gentlemen said that it should discharge when they were about founding the Confederation; and if at the close of the present Session, for instance, when a number of most important Government measures will come up here requiring a great deal of thought and deliberation, my hon. friend and the gentlemen who think with him will show independence enough to prevent the passing of some of those measures and say that they require further time for considering them, that they are not going to pass them in a hurry, the Senate will establish a much stronger hold on the good-will and confidence of the people of this country than by any means that the hon. gentleman has suggested. In the ordinary routine business of legislation the Senate has not altogether failed in its duty. The private bill legislation, which is of a very important character, I think is attended to by the committees of this House with quite as much care and judgment as is bestowed on them by the members of the other House, and as a rule the amendments made here are accepted by the House of Commons and are improvements to the measures to which they are made. Occasionally too, improvements are made in public bills, but not as a general rule. I regret to see that the Minister of Justice has put a notice on the paper which seems to indicate that he does not think the functions of the Senate are quite as important and our business as urgent as my hon. friend from Niagara seems to indicate. I do not think there is anything calculated to convey to the public a worse impression as to the utility of the Senate than to find that in the middle of the Session we propose to adjourn for 11 days, and the House ought to be thankful to my hon. friend from Niagara for one reason, that by the length of the elaborate speech he has delivered he has rendered an adjournment to-morrow almost out of the question.

HON. MR. KAULBACH—I regret to say that I yet fail to see from what has been said how more business can be originated in this body. Theoretically we have the same rights as the other branch of Parliament, except the initiation of money bllls; yet the legislation of Parliament is strongly influenced by the feelings of the popular branch. We have this difficulty to contend with, I think, that in originating legislation in this body we would in many cases have to revise the legislation again which would come back to us not approved of as fully as we might anticipate; and in that way I see that there would be difficulties to contend with in

originating legislation here. My hon. friend from Halifax talks about a strong party feeling in this House. He indicates to-day that he would ask this House to block the legislation of this session—legislation of which he knows nothing and can know nothing yet. I hardly think there is a measure matured in the other House yet, on which we could form an opinion as to its merits, and yet before any bill is passed he is ready to ask the majority in this House to block the legislation simply for the purpose of showing that they are independent in their judgments. I have sat some fifteen years here, and I can say that I have never given a vote in this House that I did not believe at the time that I was right in giving, and which time has not justified me in giving. Of the five measures that were thrown out by this body while the late Government were in power there is not one on which I would take a different course to-day. As to one that was thrown out, our action was endorsed by leading men of the party from which it emanated. I think we did wisely and well in the public interest in the course we took on that occasion. As regards the functions of this body, no government can come to us and bring us a measure which we believe not to be in the public interest and influence us to pass it. We are as capable of judging as any similar number of men of the fitness of measures in the public interest and I do not believe that this body, knowing them as I do, would commit themselves to any legislation which they did not believe was in the interest of the Dominion. I believe we are as fit to deal with such measures as any equal number of men that could be chosen by any mode of election. It is quite true if this body should after a while come to be entirely elective, having the functions of the other body, there would be collisions between the two Chambers. If this body had the same functions it would probably not give way, as we would if we found the expression of opinion in the other House was strongly sustained in the country. If after a Bill is defeated here it is introduced in the other House again and strongly supported, we generally give way, believing it to be in the public interest; but if this body were elected by the people, representing larger areas and with higher qualifications than the members of the Lower House, we would feel that our views were equal to, if not superior to, those of the other body, and I do not see how collisions could be avoided. I can see the difficulty of initiating legislation in this Chamber. The leader of the Government this year introduced in the Senate the North-West Territories Transfer Bill, and I am sure the care we bestowed on that measure will save a great deal of time to the other House when they come to deal with it. It has gone down from the Senate in a shape which will be a credit to this body and which will enable the other House readily to form their opinions upon it. I hope that other Bills of like importance will be presented to this body. I am sure we are always ready to give the utmost care and attention to any legislation which may be introduced that we believe to be in the interest of the country.

HON. MR. DICKEY—There would be considerable inconvenience in going on with this debate in the present position of our paper, with the business before us and the prospects which have been held out to us that there would be an adjournment for the Easter holidays. At all events, if we went on with it to-day there would be a block of the business, and I therefore rise for the purpose of moving that the debate be adjourned until the 9th April.

The motion was agreed to.

REGISTRATION OF MEDICAL PRACTITIONERS.

MOTION.

HON. MR. SULLIVAN moved an humble address to Her Majesty, in the following words:—

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's most dutiful and loyal subjects, the Senate of Canada, in Parliament assembled, humbly beg leave to approach Your Majesty for the purpose of representing:

That by section 3 of the Imperial Act 31 and 32 Victoria, chapter 29, known as the Medical Amendment Act, 1868, it was enacted as follows:—

"Every Colonial Legislature shall have "full power from time to time to make laws "for the purpose of enforcing the registration "within its jurisdiction of persons who have "been registered under 'The Medical Act,' "anything in the said Act to the contrary "notwithstanding: provided, however, that "any person who has been duly registered "under 'The Medical Act,' shall be entitled "to be registered in any colony upon the "payment of the fee (if any) required for such "registration, and upon proof, in such manner, "as the said Colonial Legislature shall direct "of his registration under the said Act."

That by the same Imperial Act, section 21, it was provided that the term Colony shall, in this Act, include all Her Majesty's possessions abroad in which there shall exist a legislature as hereinafter defined except the Channel Islands and the Isle of Man, and the term Colonial Legislature shall signify the authority other than the Imperial Parliament or Her Majesty in Council competent to make laws for any colony.

That by the Imperial Act 41-42 Victoria, chapter 33, known as the "Dentists' Act, 1878," it was enacted that "a person registered under this Act shall be entitled to practice dentistry in any part of Her Majesty's Dominion;"

That by section 2 of an Act of the Legislature of Ontario, 37 Victoria, chapter 30, and known as the Ontario Medical Act, the medical profession of Ontario were incorporated under the name and style of the College of Physicians and Surgeons of Ontario, with power and authority to fix and determine a curriculum of studies to be pursued by all students and to be taught by all colleges within the said province, and to fix and determine the terms upon which persons desirous of practising medicine and surgery and midwifery within the said province would obtain registration; and

That by the said Ontario Medical Act it was enacted that:—

"Every person desirous of being registered under the provisions of this Act, and who had not become possessed of any one of the qualifications in the said schedule B mentioned before the twenty-third day of July, one thousand eight hundred and seventy, shall, before being entitled to registration, present himself for examination as to his knowledge and skill for the efficient practice of his profession before the Board of Examiners, in the twenty-eighth section mentioned, and upon passing the examination required and proving to the satisfaction of the Board of Examiners that he has complied with the rules and regulations made by the Council, and on the payment of such fees as the Council may by general by-law establish, such person shall be entitled to be registered, and in virtue of such registration to practice medicine, surgery and midwifery in this province.—37 Victoria, chapter 30, section 22."

That under the provisions of the above cited Imperial Medical Act, any person registered by the Medical Board of Great Britain and Ireland, may claim to be registered as a medical practitioner by the Council of the College of Physicians and Surgeons of Ontario, and to practice medicine, surgery and midwifery in the said province, subject only to the payment of a fee on proof of his registration under the provisions of, and in the manner prescribed by the Imperial Statutes, notwithstanding the above recited provisions of the Ontario Medical Act; thereby granting in Canada to British graduates privileges which the Province of Ontario denies to her own graduates or to the graduates of any other Province of the Dominion.

That it appears that the Government of Canada has drawn attention to the matter above referred to, and that the Secretary of State for the colonies has, on behalf of Her Majesty's Government, promised to introduce legislation into the Imperial Parliament to so amend the said statutes as "to make the right of registration subject to any local law."

That, nevertheless, the statutes referred to have not been repealed, but remain in full force and effect, and advantage is constantly taken of this provision, and sometimes by those who have been rejected by the Board of Examiners referred to in the said Ontario Act.

That the provisions of the said Imperial Act are a direct interference with the right of self-government, through the medium of this Parliament and the Legislative Assemblies of the Provinces, granted to the people of Canada, ought never to have been enacted, and should be repealed at the earliest possble moment.

We, therefore, humbly pray Your Majesty will be graciously pleased to invite such legislation in the Parliament of the United Kingdom as will cause the operation of the said clauses of the said Acts of the Parliament of the United Kingdom to cease in Canada.

He said:—In introducing this motion I will not offend the intelligence and common sense of this honorable House by addressing to it any arguments to prove the necessity to the country of an educated, well-trained medical profession. No one will hesitate to admit the necessity of having men well qualified to meet the dread emergencies of sudden disease and injury in every hamlet and village throughout the land. You will agree with me that the medical profession, far more than any other, is intimately mingled with and of profound interest to the public. As the *Lancet* says: "The medical profession, though the subject of much pleasant banter and satire, is the profession of most profound interest to the public. The lawyer and even the clergyman are

more dispensable. Nine of every ten of the community get through life without consulting the others even once, but he is very fortunate, and the woman and child much more so, who passes five years without trying to obtain the best medical advice, largely influencing his future life and prospects. It is therefore the duty of the State to see that documents and diplomas are carefully scanned before affixing the stamp of its authority to license." As there are many hon. gentleman acquainted with the history and condition of medicine in Ontario, I may be permitted to offer a few explanatory remarks. The history of medical legislation in Ontario is brief. Anterior to the Registration Act, three schools affiliated to different universities prescribed and taught a course, on completion of which and examination, by presentation of the diploma, the Governor General granted a license to practice in Ontario. In 1861 a body known as Eclectics were incorporated and power given to them, although they had no college or training school, to examine candidates and grant licenses. In 1865 the Homeopaths, another body holding peculiar views as to the treatment of disease, and also having no colleges or training schools, were incorporated and given the power to license. Thus three or four members of these bodies might meet in Toronto or any other town and examine and pass as many as they pleased. There was no inspection, no supervision, and ambition and jealousy had full scope. There were five portals and if candidates failed in obtaining entrance at one they could readily at the other; it would be hard indeed if the candidate could not get in somewhere.

No wonder that the thoughtful, educated and experienced members of the profession influenced, we may believe, by patriotic as well as professional motives, viewed with alarm such a condition of affairs. In vain might they look for progress if such a state of affairs continued. They applied themselves with energy and perseverance and determined to effect a change. The schools whose professors deplored such a condition of things threw their powerful influence on the side of reform.

The greatest difficulty, it was thought, would be found with the homeopaths and eclectics, but the result was not as anticipated. It was shown to them that they were equally interested in having a preliminary examination; that men should be trained to study; also that certain branches such as anatomy, physiology, histology, chemistry, botany and others were as important to their students as to any other. They yielded and accepted representation in the council and on the board of examiners. Thus, after very great labor, they succeeded in securing a measure which had the almost universal assent of the profession and containing provisions of great utility and importance. By this Act, named the Ontario Medical Act, the whole practising profession, numbering at present over 1,900, formed one body called the College of Physicians and Surgeons of Ontario. A council was elected to manage its affairs, to which the general profession sent twelve, each of the Medical schools one—the Universities one each, and the Homeopaths and Eclectics five, numbering in all twenty-seven. Thus one portal was secured with uniform time and uniform examination. No matter how distinguished the diplomas and medallists, all went through the same ordeal. Thus Ontario led the English speaking world. England copies it, and the United States would if they could. It united the whole profession, excited a rivalry in the schools and evoked a spirit of generous emulation productive of the best results. All went well until a Dr. Mallory, taking advantage of the 31st section of the Imperial Act of 1868, demanded registration without examination. The council refused. A suit was brought and tried before Chief Justice Hagarty, who ordered registration on the ground that the Imperial Medical Act gave the right of registration in all Her Majesty's dominions, and to remedy this is the object of the present address. As an examiner, I know gentlemen to have been rejected by the Medical Board of Ontario who had obtained "double qualification", as it is called, in England; and I am informed, on authority which does not admit of dispute, that men who are rejected in Ontario go to England and secure qualification and are placed on the Imperial register there, and then come back and force registration here. Now that is a great injustice to the medical profession here; men who have won the highest aca-

demic honors from our universities are forced to pass this examination, while men who possess minimum qualifications in England are admitted to practice here without examination. We know how the profession is divided up there into physicians, surgeons, apothecaries, &c., and any of these can force registration in Canada. I do not think it is necessary to use any other argument in support of this address than the facts which I have mentioned. We do not want to go back; we want to advance and bring our system as near perfection as possible. I am sure that the legislation which we seek will be a boon not only to the medical profession but to the public, and I hope ere long to see our Ontario system adopted by every province of the Dominion.

HON. SIR ALEX. CAMPBELL—There is no objection to the address, if the address was really directed to the proper quarter from which the relief is to be obtained. I do not know how my hon. friend, who has made this motion, or his colleagues in the medical profession, have come to the conclusion that imperial legislation is needed. As I understand the position of matters, nothing is necessary from them at all. The English legislation contains at this moment, with reference to the medical profession, a clause which provides that all the legislation contained in the Imperial Act shall be subject to any local law, and the Imperial Government have intimated to the Government here that they will insert in a Bill about dentistry the same clause, so that all the legislation in England, both with reference to medicine proper and to dentistry, will be subject to local laws in the colonies. Then it will only rest with the medical profession here to introduce a Bill in Parliament to say that people who go to England to pass an examination and are put on the list and come out here shall be prevented from being registered here without undergoing an examination. It will only be for the profession here to agitate for legislation requiring a person who comes out from England with such a certificate as has been described by my hon. friend to be subject to local law, and that local law should be one to prevent him from practising without undergoing an examination. That would be the course to be pursued by the medical profession. I do not think my hon. friend is aware of it, but I had correspondence with a colleague of his in the other House, Dr. Bergin, and I explained to him how the matter stood and how the law stood in England and what was necessary here, and I understood Dr. Bergin to say that he was satisfied. To pass the address as it is moved here, would be an address to the Queen to ask for Imperial legislation, and Imperial legislation is, for the reasons I have given, not necessary, and therefore I think my hon. friend had better postpone his motion, and consider the question; and if he will do me the honor to advise with me upon it I will endeavor to shape matters so as to procure for him the legislation which he desires either during the present session or at the next session of Parliament; but, as I understand it, this address is not necessary.

HON. MR. SULLIVAN—I have made this motion because of the decision given by Chief Justice Hagarty that the Imperial Act overruled the Colonial Act, and that by registering there a man could force registration here in spite of any laws we might enact. As I understand this address, it is merely to urge on the Imperial Government the necessity of carrying out that provision that persons coming here with such certificates shall be subject to any local laws. I believe it would meet every difficulty, and if the House of Commons would unite with us in the address it would make matters all right. This address, as I take it, is simply urging on the Imperial Government the necessity of such legislation.

HON. SIR ALEX. CAMPBELL—I do not think that legislation in England is necessary. Is it needed here to interpose by local law difficulties in the way of getting certificates in this country?

HON. MR. SULLIVAN—That is already done. They are not allowed to come up until they have shown that they have passed four years in studying; but persons coming out from the Old Country in the way I have mentioned can force registration without examination—that is where the difficulty lies.

HON. MR. CAMPBELL—Then I apprehend it is because those laws have not been passed since the Imperial legislation. But I would suggest to my hon. friend to let the matter stand for a few days. I am quite with him as to the necessity of taking a step somewhere, and will advise as to where it should be taken, to accomplish the object he has in view—one in which I quite concur.

The motion was allowed to stand until the 9th April.

THE EASTER HOLIDAYS.

MOTION TO ADJOURN.

HON. SIR ALEX. CAMPBELL moved that when the House adjourns on Friday the 27th inst., it stands adjourned until Wednesday the 8th day of April next. He said: The hon. gentleman from Halifax seemed to think that the adjournment would be too long. It does not matter to the Government how long or how short the adjournment is, if we adjourn at all. We must have an adjournment at Easter, and it has been usual to adjourn for a week or ten days. I see nothing in the public business to prevent us adjourning for that time. I think we should have to adjourn on Wednesday at all events, and it seems to me there will be no real delay in the public business by our adjourning to-morrow until the 8th April. However, it is for the House to say whether they desire to adjourn or not.

HON. MR. POWER—I am not going to discuss this matter. I think that in view of the speech of the hon. gentleman from Niagara this afternoon the Senate should be very careful as to what it does to show the public it has no business to do. I think any adjournment now would leave an impression on the public mind which is incorrect. The Senate has been sitting very steadily, every sitting day, up to 6 o'clock, for I think a fortnight or three weeks, and there are a great many rather important matters on the order papers of the Senate now. Private Bills are being considered by the committees of the House of Commons and are coming up every day, and I really think that the proposed adjournment is too long.

HON. MR. ALMON—The church of which I am an unworthy member look upon Holy Week as a period which ought to be observed by all Christians with great sanctity, and I think we ought to be weaned from all secular measures in order to get our minds in a proper frame. I do not think my mind would be got into a proper frame without this adjournment. Perhaps the senior member for Halifax does not look on that period as I do, and does not require to be so long free from secular matters. I trust in consideration of our weakness that the majority of the Senate will adjourn.

HON. MR. ALEXANDER—This is a motion that ought not to be carried without discussion. The hon. gentleman from Niagara has occupied so much of the time of the House debating everything but his own motion that he cannot blame an independent member of the House if feeling the strongest possible objections to an adjournment at this moment, he desires to express his views. The leader of the House thinks he is a very skillful chess player and this is one of his moves; but it is not one that should be encouraged by this House. I throw on him the blame if hon. gentlemen are obliged to come back here to-night.

At 6 o'clock the Speaker left the Chair.

After Recess.

HON. MR. ALEXANDER—Before proceeding to discuss the adjournment I desire to call the attention of the House to the views of Mr. Bourinot on questions of adjournment. He is considered the highest authority on Parliamentary practice, and I quote his views in order that hon. gentlemen will not unnecessarily interrupt me when I am doing my duty:—

"The rule requiring that speeches should be relevant to the question under consideration has never been applied in the Canadian Houses—nor until recently in the English Parliament—to motions for the adjournment of the House or of the debate. New rules have been recently adopted in the English Commons to confine debates to the motion for adjournment, when it is made during the discussion of any matter. But so far the Canadian House has not shown any disposition to waive what may be a valuable privilege on certain occasions, when much latitude of debate is necessary."

THE SPEAKER—I think the hon. member is under a misapprehension. The authority quoted relates to motions for adjournment. This is not a motion for adjournment.

HON. MR. ALEXANDER—This is a motion to adjourn the House. (No, no!) It is a motion for the adjournment of the Senate.

HON. MR. PLUMB—Not at all.

HON. MR. ALEXANDER—I can only say that when I went to-day to Mr. Bourinot himself and explained the position, I explained the motion which is now under consideration and asked him the question and he referred me to that page of his work.

THE SPEAKER—I have no doubt that Mr. Bourinot imagined that it was a motion for the adjournment of the House. This is not a motion to adjourn the House.

HON. MR. ALEXANDER—I hope that the House will consider that this adjournment must prevent our proceeding to discuss public questions. There cannot be two opinions upon that.

HON. MR. PLUMB—I rise to a question of order. It will be observed that the rule to which the hon. gentleman refers is where an adjournment of the House is moved to enable a member to speak twice or for other purposes in the course of the debate. It has never been applied to the Senate, and I do not think Mr. Bourinot so applies it, but it is an entirely different question to a motion that on a certain day the House will adjourn. The motion on which an irrelevant debate can be carried on is one to adjourn the House. Mr. Bourinot could not have understood the nature of this question, and he must have supposed that it was an ordinary motion to adjourn the House.

HON. MR. ALEXANDER—If a member of this House who, in the discharge of his duty, desires to address the Senate is to be bluffed off in any manner, he of course can only sit down under the ruling of the Chair. Upon that point I say nothing more. Before the House rose I ventured to compliment the leader that he was becoming a very dexterous chess player, but he will find other members of the House prepared for that game. It is necessary, especially at this moment, that the voice of the people be heard through their representatives, and if I am prevented on the floor of Parliament from expressing their opinions I shall take the opportunity of addressing public meetings in Montreal, Toronto and other cities. It is a strange position that members should not be allowed to express the views of the people on the floor of Parliament. Ministers would never attempt that in the House of Commons.

HON. MR. PLUMB—The thing would not last five minutes in the House of Commons.

HON. MR. ALEXANDER — The House will observe that this motion does not originate with the members of this House, but it is the Government leader himself calling upon this august body to suspend their labors, for which they are paid by the country, for the period of twelve days. That is the proposition of the present Minister of Justice and I should like to know how the country will regard it. As the hon. member from Halifax said to-day, it was ill-judged at the present moment, when the Senate had become so much a subject of public criticism, to propose such a long adjournment during the last month of the Session. We have already had two adjournments. The leaders of the Government here think they can prevent discussion; they think they can prevent a humble member like myself, pointing out, as I propose to do to-day, how the Government is bringing embarrassments and financial obligations upon the country which it will take years to remove. I have a motion on the paper for to-morrow and he is afraid of my addressing the House on that subject, and of my speech going to the country. The hon. gentleman is becoming every day more and more bold—if the rules of Parliament permit me, I should say audacious.

HON. SIR ALEX. CAMPBELL—Oh do not mind.

HON. MR. ALEXANDER—He thinks he is omnipotent here, and that the majority of this House are so attached to Sir John Macdonald, who is acknowledged to have rendered great services to the country in the past, that they will follow him to anything. That is the position the hon. member takes. Will the members of this House, so estimable a body of men as they are known to be, go on, being led in such a manner to stultify the House before the country and to sink us lower and lower in public estimation until there will be a movement for the abolition of the Chamber? The hon. gentleman has told us to-day that there is nothing important at this moment to occupy our attention. He thinks that the Senate of the Dominion has no functions beyond what I call small parish business, revising railway and loan society bills and banking bills. The hon. gentleman seems to think that the whole province and functions of the Senate of the Dominion, composed of 76 gentlemen of the highest education and largest experience, are to be limited to such matters. I think, that in doing so, he forms a somewhat low estimate of the intelligence of this branch of Parliament in supposing that we do not feel the gravity of the present position. I trust that the Senate will show its sense of the deep responsibilities resting on it at this moment, and simply agree to that period of adjournment which the House of Commons shall at Easter determine upon. The hon. gentleman evidently does not consider it the duty of the Senate to inquire into the present state of our public affairs and prevent the country being brought into a disastrous position.

HON. SIR ALEX. CAMPBELL—I rise to a point of order. It seems to me the hon. gentleman is discussing the motion adjourned by the hon. member from Amherst, and that he is now replying to the hon. member from Niagara. The debate on that subject is adjourned until the 10th April.

THE SPEAKER—I should like to say to the hon. member from Woodstock that the motion before the House is now whether when the House adjourns to-morrow it will stand adjourned until the 8th instant. Arguments for or against that motion are in order; others are not in order, not being relevant.

HON. MR. PLUMB—The hon. gentleman is in the habit of reading his speeches in the House. Now there is nothing so pernicious as to permit a practice of that kind to go unchecked. It is well understood both in the English Parliament and in the Parliament of Canada that any member who rises in his place and reads his speech can be called to order for doing so. I am willing to grant the hon. gentleman every indulgence. I am aware that he cannot speak unless he has something put into his hands, and therefore I only rise to let him understand that he violates the rules of the House. I do not want to stop him. I think it is best to let him go on as long as he likes, but he habitually fulminates his eloquence in his own room and brings his notes to the Senate to read them.

HON. MR. POWER—I rise to a point of order. The hon. gentleman has no right to discuss the question.

THE SPEAKER—I think the hon. member has been going a little too far.

HON. MR. ALEXANDER—I shall scarcely take the trouble to reply to the hon. member for Niagara, who has been pitchforked into the House by Sir John Macdonald after being rejected by the people.

HON. MR. KAULBACH—I must rise, as I generally do, to oppose this motion. I always oppose all adjournments of this House, and I believe it is not in the interests of legislation that we should leave here. There is a good deal to be done; we have been for the last week or ten days sitting up to six o'clock, and I know that bills are coming from the other House which ought to receive immediate attention—several of them that I have been asked to take charge of. I think it is not in the interest of the House that we should lose four days of next week and Tuesday and Wednesday of the following week.

HON. MR. SMITH—We only lose three sitting days altogether,

HON. MR. KAULBACH—We should be here with our minds prepared for legislation. To run away from Parliament in the middle of the session, when business must be pressed upon us, I consider is not in the interests of the country.

HON. MR. READ—We have been here for two months, and I think this is the first evening sitting that we have had. Easter is approaching, and every one would like to be home at that season for a few days. We have performed all the duties devolving upon us faithfully, and we would not have been brought back here this evening but for the perverseness of the hon. member from Woodstock. He has no home to go to—he is a cosmopolitan. When he puts on his hat he covers his family. Now by the adjournment that is to take place we lose at the most four sitting days, and it would be a great satisfaction to gentlemen who have been away two months from their homes, and who expect to remain here two months longer, to spend at least the Easter holidays at their homes, and it is only selfish people who would desire to prevent them. Some who come from distant parts of the Dominion cannot go home, and it is all very well for those gentlemen to wish the rest of us to remain here. So long as we perform our duties I do not see that there can be any objection to this motion. An adjournment at Easter is necessary, and I would like to know how much the country is going to suffer because we lose four possible sitting days in all? When we come back we will be able, if need be, to sit at night and make up for any time which may be lost by the adjournment.

HON. MR. O'DONOHOE—All the time that could possibly be lost by this adjournment is four days. We will sit to-morrow; we would not sit again until Monday; then we would sit on Tuesday and Wednesday; Thursday, Friday, Saturday, Sunday and Monday would not be sitting days. Now I cannot see what injury would be done to the public business by an adjournment which involves the loss of only four sitting days, and I am satisfied that if any such injury could be done by the adjournment it would not be proposed. Our public duty would be paramount, and none of us would attempt to leave for a single day if it would interfere with the progress of the public business. But I contend that the time will not be lost. Members of this House can, when they reach their homes, consult with their constituents, and ascertain the views of the public on many important subjects which are coming before us, and I am quite sure that by this means the public interest will not suffer.

HON. MR. HAYTHORNE—I am invariably opposed to motions for adjournment, particularly at this period of the session. Some plea may possibly be urged for an adjournment in the earlier part of the session, when there is no work prepared for us. It is a very poor plea at best, but it is one perhaps with a degree of truth in it. As the hon. member from Belleville has suggested, we have been here for two months now, and if there is not constant business before us it is a strange reproach against those who have the management of public affairs. I cannot believe that it is the case. The Speaker, himself, appealed to the House before recess, to allow him to bring forward several bills which had come up from the House of Commons. During the proposed recess many bills will undoubtedly be brought up in the same way and could be put through several stages during the period of the adjournment. By remaining here the House would be in a position to consider these bills with due deliberation instead of having to rush them through at the end of the session. It seems to me strange levity to talk so lightly about the disposal of four days. I do not argue this question on personal or private grounds as some gentlemen have thought fit to do; but this I will say, that this proposition to adjourn the House till the 8th April, coming as it does after the House has listened this afternoon to a long and interesting speech setting forth the great merits, advantages and usefulness of this body, is a strange satire.

HON. MR. PLUMB—I have not been in favor of adjourning the House; I have no object in desiring it. I shall remain here no doubt the greater part of the time idle. Now, let us see what the adjournment really means; on Friday we would

adjourn until Monday under any circumstances. We could sit on Monday, Tuesday and Wednesday, but not on Thursday because that is a holiday.

HON. MR. ALEXANDER—We would sit on Thursday.

HON. MR. PLUMB—The hon. member is mistaken; we would not sit on Thursday, nor would we sit on Friday, or Saturday, or Sunday, nor upon Easter Monday which is a statutory holiday.

HON. MR. ALEXANDER—The House of Commons sits on that day.

HON. MR. PUMB—The hon. member is mistaken; it does not. It is proposed to adjourn for that day, and we would lose only Tuesday of that week and altogether the utmost that can be said of it is that we would lose four sitting days.

HON. MR. ALEXANDER—Five days.

HON. MR. PLUMB—There are not five days and the hon. gentleman knows it. The only question is whether we shall make it one day short—make it three or four days. I accept the statement of the Minister of Justice that there is no personal business for these four days. I do not advocate adjournments, but I want it stated as it is; and if gentlemen want to discuss a matter they must discuss it on its fair honest merits and not on any representation for the purpose of influencing those who wish to adjourn by misstating the question. There are gentlemen here who would take advantage of this adjournment to go to their distant homes when a shorter term would simply keep them here. I do not at all subscribe to the buncombe about their drawing their pay and doing nothing. If the hon. gentleman has any scruples with regard to that he can leave his pay with the Clerk, and probably it will go to assist this embarrassed Government of which he talks so much.

The motion was agreed to on a division.

THE GLOBE CORRESPONDENT AND THE SENATE.

INQUIRY.

HON. MR. ALEXANDER rose to call attention to the letter addressed by the correspondent of the *Globe* to the hon. the Speaker of this House, and inquire when it is proposed to ask the House to consider the same. He said—It is surely undesirable to have the press of one of the great parties of this country arrayed in opposition to the Senate of the Dominion. I think we are all agreed upon that point. I believe I am correct in stating that since the opening of Parliament we have not at any time, as a general rule, had more than one reporter of any of the press here. There may have been more than one occasionally for a part of the time. The press do not trouble this House very much. I will not discuss the why and wherefore. This arrangement which has ended in only the reporter of Toronto Mail appearing here may suit the leaders of the Government, Sir Alex. Campbell and the Minister of Interior, and perhaps the hon. member from Niagara. I am sure it will not satisty the country. Now an unfortunate difference has arisen between the correspondent of the *Globe* and the members of this House. (No.) Between whom then? If I understand the matter rightly—that gentleman, Mr. Gorman, was accused of having written an article respecting the divorce committees of this House which was declared to be very objectionable. I have not read the article, and am not prepared to pronounce an opinion upon it, but I believe that it was objectionable. Now do the correspondents of other newspapers never write objectionable articles? Did this House take any exception to the article in the Toronto *Mail* which held me forth in the coarsest and most approbrious language as a slanderer, a liar, a nuisance to the House, when I simply called attention, that the sum of $670 was received by the Minister of Justice from the Clerk of the House and remitted to the hon. J. W. Allan for 11 days attendance in the Senate.

HON. SIR ALEX. CAMPBELL—I rise to a point of order. There never was

anything more untrue and unjust. I never took any money from the Clerk of the House to give to any one. I object to the hon. gentleman making such a statement—such an untrue statement.

HON. MR. ALEXANDER—I do not myself think it wise to take notice of any articles in the press. I never do myself, and I think the House would best consult its dignity by adopting the same course. Now we know what followed; the Speaker, if I understood correctly, in conjunction with the Government, or in conjunction with the House, resolved that only two press reporters should be admitted on the floor of the House, and they communicated a message to that effect through the Sergeant-at-Arms, Mr. Lemoine, to the press that each of the two should present credentials from their respective papers. Mr. Gorman replied to that announcement in a letter to the Sergeant-at-Arms (and he did not write that letter supposing it would be laid before the Speaker of this hon. House) that he had been known as the *Globe* correspondent here for three years, and if not known personally to all the members of the Senate he must have been known to them by sight, and it seemed extraordinary that he should be required to present credentials as to who he was. I think this House will agree with me whatever may have been the history of this unfortunate affair that when Mr. Gorman, the correspondent of the *Globe*, wrote what he deemed to be an apology to the House explaining why he wrote the letter, that the same courtesy ought to guide this House as guides a gentleman when an apology is made—to take it into consideration. I do not think it is a proper course for this House or the members of the Government here to let that letter remain on the table in the hands of the Clerk, and to allow the *Globe* correspondent to remain under a bann and a cloud. Is that the way one Christian man acts towards another? Is it the proper and manly course for this House to pursue towards a gentleman who has to earn his bread and who must maintain his character and his reputation to enable him to do so, to leave his letter on the table of the House and allow him to remain under a cloud which will affect his character? Let us act manfully and honestly and say whether it is or is not an apology. If it is not an apology let us demand a proper one; but to allow the letter to remain without considering it I do not believe is a course which will be endorsed by any independent member of this House. I do not think any one will endorse the action of Sir Alex. Campbell in this matter, giving the rude reply he gave to me when I brought up this question with closed doors.

HON. SIR ALEX. CAMPBELL—I rise to a point of order. The hon. gentleman has no right to allude to what took place with closed doors.

HON. MR. ALEXANDER—I believe that Mr. Gorman is an honest man desirous of doing what is right. If he used improper language in the letter he wrote to the Sergeant-at-Arms he is willing to retract it.

HON. SIR. ALEX. CAMPBELL—The question that has been put by the member who has just taken his seat is when it is proposed to ask the House to consider the letter of the *Globe* correspondent. I think that the proper time to consider this matter would be after the Easter holidays, and I propose then to bring it up for consideration.

THE CHINESE COMMISSION.

MOTION.

HON. MR. POWER moved:—

That an humble Address be presented to His Excellency the Governor-General; praying that he will cause to be laid before this House a detailed statement of the expenditure incurred in connection with the recent visit of the Honorable the Secretary of State to British Columbia and California.

He said: It is in the knowledge of every hon. gentleman that the Secretary of State who is chairman of the commission on the question of Chinese immigration to British Columbia, during the recess of Parliament went to California for the purpose of taking evidence and procuring information, and the result of the visit is before Parliament in the shape of a very voluminous and very ably prepared report, a report which reflects a great deal of

credit, I may say, upon the secretary of the commission, whose handiwork the arrangement of the report is. The reason that I ask for this information is that I have heard—I do not know how true the story is—that the Secretary of State and the secretary of the commission, and a number of other gentlemen, went out to the Pacific slope in a way that I do not think altogether accords with our somewhat democratic ideas. Considering that last summer it was known that the revenue of the country was falling, and that the expenditure was increasing, and that the surplus of which hon. gentlemen opposite have been in the habit of boasting for a long time, was gradually disappearing, the proper way for the chairman of the commission and the secretary to have gone would have been to have travelled, as I understand members of the Government in England and in the United States travel, in the very comfortable and luxurious cars which are furnished to all first-class passengers by the United States railways. I have been informed that instead of doing that the chairman of the commission had a car of his own, and I presume a very considerable sum has been paid for the fitting up of that car and transporting it across the continent; that in addition to his secretary, the chairman of the commission took a considerable number of attendants, and that, in fact, instead of travelling with that democratic simplicity which is supposed to characterize the public men of this continent, he tavelled in the fashion of an eastern potentate.

Hon. Mr. PLUMB—What is the style in which an eastern potentate is supposed to travel? I believe it is generally on a dromedary or a cassowary.

Hon. Mr. POWER—I did not catch what the hon. gentleman said, but I have been informed that he said an eastern potentate travels on a dromedary. If the chairman of the commission had gone to British Columbia by the route selected by the Canadian Pacific Railway Company for their line, he would have required a very agile animal to reach his destination. Hon. gentlemen may think that this is a very insignificant matter, but I do not think so, inasmuch as it is indicative of a spirit which appears to be growing in government circles. I remember when the gentlemen opposite were on this side of the House that their ideas as to the manner in which the government ought to be conducted were very different. In those days they were more in love with democratic simplicity than I am to-day. In those days Mr. Brydges was manager of the Intercolonial Railway. He had, as is the custom, I believe, of managers of large railways, a manager's car, a car for his own use in which he travelled up and down the railway. My recollection is that there was nothing specially gorgeous or expensive about the car; but the newspapers of hon. gentlemen opposite rang the changes on that car of Mr. Brydges just as perseveringly as they rang the changes on the Neebing hotel. Since the change of Government a second car has been placed on the Intercolonial Railway, which is not necessary and which is not a manager's car, and in fact we find this system of palace cars has got further west and has reached British Columbia, or the Pacific slope at any rate. I think it is desirable that we should know the facts as to the excursion of the Secretary of State to the Pacific slope, and we should know how much this Chinese Commission has cost. What beneficial results may flow from that commission I do not know. I do not think the Government have indicated a policy on the subject yet. I should like to make this suggestion to the Government, that the experience of several winters—and lately especially—has indicated that two or three points on the Intercolonial Railway between Campbellton and Riviere du Loup require more additional snow shedding; hardly a winter passes in which trains are not delayed for a considerable time at one or other of two or three points on that road, and I think that in the interest of the public and for the credit of the Government, it would have been better to devote the money that was expended on this luxurious car to erecting a few miles of shedding on the Intercolonial Railway. That is an expenditure which, I think would have much more readily met the approval of the public.

Hon. Sir ALEX. CAMPBELL—There is no objection to the address.

The motion was agreed to.

THE INDUSTRIES AND MANUFACTURES OF CANADA.

DEBATE CONTINUED.

The Order of the Day having been called for resuming the adjourned debate on the hon Mr. Macdonald's motion. :—

"That he will call attention to the report of the Commission issued by the Government last year to inquire into the effect of the tariff of 1879, on Industries and Manufactures of the Country, and will ask the Government whether the report will be furnished to mem bers of the Senate and a certain number to the coutry."

HON. MR. KAULBACH said—I rise with some reluctance to pursue this debate, beeause I am sensible of the extreme kindness which hon. members have shown to me by so attentively listening to the remarks which I addressed to the House on former occasions. I shall endeavor to condense, as far as possible, what I have to say this evening. I was addressing myself, when the debate was last adjourned, to the remarks made by the leader of the Opposition in this House. I was pointing out that the position which he had assumed was antagonistic to all the great industries of this country. He was hostile to the coal industry and said that he would be willing to give half a million of dollars to shut up the two or three mines in the Maritime provinces. But he seems ignorant as to the number of mining companies and that over $10,000,000 is invested in them. And he forgot to tell us what provision he would make for the tens of thousands of poor miners who would be thrown out of employment—men skilled in that work and unfitted for any other occupation. My hon. friend failed to tell us what he would do with these industrious people. He forgot also to tell us what he would do with the oil wells of Western Ontario. I did not hear him suggest that the petroleum wells of Ontario should be closed up because, under the protection which they receive, the people of the Maritime Provinces are obliged to pay more for their oil. We know that if it were not for the protective policy we might raise the same objection to the duty on oil that my hon. friend raises to the duty on coal. Therefore my hon. friend shows that he is blinded by prejudice and that he is not disposed to treat all industries alike. Then he spoke of the farmers not being benefited in any way by the protective policy and he says that all we want from this country is to be allowed to compete with the rest of the world—that all we ask is a fair field and no favor. That is precisely what we on this side of the House have always desired—a fair field and no favor, but it was refused by the Grits when United States manufacturers glutted our markets, and in answer to him I have the language of my hon. friend from Prince Edward Island who shows that we had not, when they governed the country, a fair field, because in 1878 as my hon. friend pointed out a depression prevailed, and there came a time when a market should be found for the surplus products of the United States. Canada was the one most easily accessible and the one which suffered most acutely from the excess of American goods brought into the Dominion, and it was thought a great grievance that our market should be injured by the influx of American goods. That was the the language of the hon. gentleman from Prince Edward Island, and yet my hon. friend the leader of the Opposition says, "all we ask for is a fair field and no favor." That is what we now have, but what he and his party refused the people in 1878. But the hon. gentleman says that the farmers of this country have not been benefited. I have shown the increased capital and number of hands employed in the manufacturing industries of the country. The increased wages in Ontario and Quebec since 1878 was $15,848,000. Now, I would ask anyone where that money goes? Chiefly to the farmers; they get the larger portion of it. My hon. friend says it is no benefit to us, because the farmers send their wheat and their products out of the country, but the bulk of our farm products, grain, vegetables, milk, butter, cheese and meat, are used in the country and used by the very people, the laboring classes, who receive the increased wages to which I have referred—$15,848,000. The best market the farmers have is to be found where the laboring classes are employed in the manufacturing industries of the country. The leader of the Opposition asked what benefit has the National

Policy been to the cattle trade? He must know that more than one-half—nearly three-quarters of the cattle raised in this country are consumed within the Dominion, and principally by the laboring classes. The more people we have to feed, the better for the farmer. Therefore the farmers have been and must continue to be benefited by the National Policy. The Ontario Bureau of Statistics furnishes some interesting figures on this point. The increase between 1882 and 1883 in the value of farm lands in Ontario was $22,500,000; farm buildings increased in the same year over $3,000,000; farm implements over $6,500,000, and live stock over $20,000,000. How does my hon. friend the leader of the Opposition account for this remarkable increase in the prosperity of the farming community of Ontario unless under the influence of our protective policy? It certainly must be the result of the rapid development and prosperity of our people under the National Policy and the manufacturing and fishing industries of the country have much to do with the prosperity. If time would permit me I would point to the increase in wealth and population in each of the manufacturing towns of Ontario, but I will, to save time, take one as an illustration. In 1879, the population of Hamilton was 34,268; in 1883 it had increased to 38,196. The assessed value of property which in 1879, was $15,168,210 had increased in 1883 to $17,713,150. The increased value of property in that city last year was $1,105,000, which was more than four times the rate of increase in the five years of Grit rule from 1874 to 1879. If I had time I would give similar statistics of all the manufacturing towns of Canada and I think I would be able to furnish ample proof of the prosperity which the National Policy has brought about in all of them. In Nova Scotia I may take as an illustration the increased value of property in the town of Lunenburg. I am in a position to know personally what I speak of on this point. Since 1878 the value of property in Lunenburg has doubled. We had in Nova Scotia in 1882, only 116 vessels with a tonnage of 6,938 tons, that received bounty; in 1883, after the bounty was given we had 902 vessels, of 34,594 tons. Certainly that was due to the protection of that industry, by the present Government, protection which was granted in the face of violent opposition from the party to which my hon. friend from Ottawa is attached, who persisted that the money did not belong to the fisheries. The value of the fisheries in Nova Scotia in 1884, was nearly $9,000,000, about double what it was in 1878 and I am pleased to be able to say that the county from which I come produced about one-half of that. Nearly three-fourths of the bounty went to Nova Scotia, and the county of Lunenburg received about one-half of the bounty paid to fishing vessels in the province; it shows what one town and county has done under the protective policy of the Government. The whole county profits by the success of our fishermen. I might go over the whole Province of Nova Scotia and show that nearly every town has been benefited by the National Policy; and that the only objectionable tax under it is the 40 cents a barrel on corn meal. I will not delay the House with any further remarks upon that point. My hon. friend the leader of the Opposition stated that the ordinary expenses of the country since 1877-78 had increased from six to eleven millions of dollars, but he failed to explain that with this increased expenditure our prosperity had also increased. We are now having prosperous times, whereas a depression prevailed in 1878. Prior to 1879, we had annual deficits; since then we have had a surplus every year. I will now go over the expenditures which are known as controllable expenditures, and show whether they have been in the interests of the country. Will my hon. friend say that the Marine and Fisheries expenditure which have increased from $91,262 in 1878, to $286,700 in 1884 has not been a necessary increase in the interests of the country? Would my hon. friend from Halifax oppose that increase, applied as the money has been to most useful purposes in our Maritime Provinces? So the payments to Indians were increased for reasons which I need not stop to explain to the House. Then subsidies to the provinces involved a large amount of money, and my hon. friend surely cannot be opposed to the increased outlay upon the lighthouse and coast service. He knows what the condition of our coast service was prior

to 1878 and what an improvment there has been in that respect—causing cheaper rates of insurance with greater security it has furnished to life and property along our coasts. I might mention our increased postal service, and railways also. Although we have spent a good deal in this way the country has received it back again in more ways than one, and I would ask my hon. friend if he would venture to object to any one item or to assert that any of the ordinary expenditures within the control of the Government were not for the benefit of this country or could have been avoided, or that any portion of the money has been misapplied? When the late Government were in power they failed to provide for the public services in a proper manner and by their narrow views and their parsimony, which was not economy, there were deficits year after year, and depression and want prevailed in every industry and among all people, even our farmers, everywhere throughout the length and breadth of our land. During that time the postal service was anything but satisfactory, and yet the deficits during the five years they were in office exceeded the receipts for that service by $521,067; whereas the deficits for the five years ending with 1884 were only $463,198. Then we had the same on the railways. During the five years while the late administration were in power the deficiency in the revenue from the government railways was $600,000, and for the five years ending 1884 they amounted to only $150,000, although the present Government expended largely as everybody knows in improving the postal and railway service. When my hon. friend endeavors to show that our expenditures are larger now than they were under the administration of his friends he should also mention the fact that we derive a larger income from those expenditures, thus showing our increased expenditure is justified, and justified by results. The leader of the Opposition contended that the taxation of the country has been greatly increased; such is not true, it is a false cry. I have pointed out that the increase has not been larger within the last five years than it was from 1873 to 1878. The following is a statement of taxation for the two periods of five years each between 1st of July, 1874, to 1st of July, 1879—the Reform period—and the 1st of July, 1879, and the 1st of July, 1884—the Conservative period:—

1874—79.		
Receipts from customs, excise and stamps		$93,295,770.34
Total receipts	$114,860,495	
Total expenditure..	119,679,284	
Deficit		4,818,789.00
		$98,114,559.34
Taxation necessary per head of population		($4,021,000)—$4.88

1879—84.		
Receipts from customs, excise and stamps		$124,723,659.84
Total receipts, including lands	$157,687,879	
Total expenditure..	137,258,154	
Deduct surplus.....		20,429,725.00
		$104,293,934.84

Taxation necessary per head of population (4,364,800), $4..78½. Adding the expenditure on surveys chargeable to capital, $1.642,544.95, and the taxation necessary from 1879 to 1884 would still be below $4.88 per head. This statement knocks the bottom out of the Opposition cry about greatly increased taxation under the National Policy.

Now let us look for a moment to our trade with England. During the five years, from the 1st of July, 1879 to the 1st July, 1884, our imports from Great Britain increased over the preceding five years of Grit rule by $15,034,977; while our decrease of imports from the United States was $19,694,209, showing, as I said the other day, although I had not the figures then, that the effect of our policy has been to increase our trade with England and diminish our trade with the United States. Then my hon. friend, the leader of the Opposition, attempted to show that the depression in the country among business men is greater now than it was when his friends were in power. I have the figures here which prove that the depression was greater then than it was in 1884. It is well known that capital invested in trade has nearly doubled since that time. The

estimated number of business men in Canada in 1879 was 56,000, and the failures were 1 in 29; whereas in 1884 the number of business men had increased to 69,994, and the number of failures had diminished to 1 in 53. I mention these facts and I leave the House to draw their own conclusions from them as to whose statement is correct. I think they furnish irresistible evidence of the greater severity of the depression prior to the adoption of the National Policy than that which now exists. My hon. friend, the leader of the Opposition, said, in his speech, that the United States is the laughing stock of the world. All the leading nations of the world are protectionists except England. I do not see where the laugh comes in; I have already shown that there is a greater degree of prosperity and intelligence prevailing amongst the mass of the people in the United States than there is in England. I am, and have been, very reluctant in stating anything that is detrimental to the Mother Country, or pointing out what is bad in its policy as compared with the United States; but these are facts which I was forced to mention. In 1883 Great Britain sent 2,035 tons of iron rails to the United States, and only 7 tons last year. In 1882 they sent to the United States 21,134 tons of iron rails. In 1882 Great Britain exported to the United States 173,873 tons of steel rails; in 1883 it had fallen to 69,343, and in 1884 to 17,476 tons. It is quite evident from these figures that the United States now manufacture their own rails, and not only that but they can afford to sell rails to us, competing successfully with the manufacturers in Great Britain. They sold them cheaper to the Canadian Pacific Railway Company than they could be imported for in this country from Great Britain. Facts like these, coupled with what I have already shown, demonstrate that the United States had built up their manufacture to such an extent under a protective policy, that they are able not only to supply their own markets but to undersell the English manufacturers in England itself, in English Colonies, and in the markets of the world. Such a laughing stock we might be proud to be. The annual trade of the British dominions beyond the seas with the United Kingdom was exports and imports £190,000,000, and with other countries only £170,000,000. The trade of Great Britain with foreign countries in 1872 was more than £248,000,000, and in 1882 it was only £214,000,000, a decrease in the 10 years of £34,000,000. The trade of the United States with British possession which in 1872 was £66,000,000, had increased in 1882 to £99,000,000. This shows that the course of trade has followed the flag. The colonies which in former days the free traders wished to cut off are now the principal customers of the mother country. While her trade with other nations is falling off it is increasing with the colonies. The Manchester school of politicians, men of the Bright and Cobden Free Trade school said "let the colonies go." That absurd sentiment, with the political theories to which they were attached, has exploded and British statesmen are now anxiously looking for the best means to bring the colonies into closer and permanent union with the United Kingdom. I am glad to find that such a sentiment is increasing. My hon. friend from Prince Edward Island must see that England is a great sufferer from her present position. Instead of providing her own dairy produce she obtains it largely from France. The English farmer can hardly find the means to raise sufficient to maintain himself and pay his rents, and the landlord feels that his income is gradually decreasing. I think it was the hon. member from Belleville who told us in a debate which took place here some years ago that the amount paid for eggs imported into England from France exceeded the value of the wines imported from the same country. Is it our interest to adopt a policy which would lead to such a result, to starve out our home industries? Is it our interest to allow the manufacturers and farmers of the United States to flood our markets with their products? A one-sided free-trade policy would not suit our farmers; you would soon find them, like the farmers and manufacturers in England, looking for fair trade. I believe that Ireland to-day would be in a better and more prosperous position if it had the home markets of England for its dairy produce, instead of having to meet the competition from France and other countries. England will yet find that she must have closer relations with her colonies, as her trade with foreign nations continues to

fall off. I have no wish to decry England, which has been so long our pride and our boast, but when the Mother Country is set up as a model for us to follow in our fiscal policy it is our duty to show how that policy has failed, and to see how a different policy has succeeded in English speaking countries and all classes of people in the neighboring republic. If the fiscal policy of the United States has proved successful, and it has done so, I think we should receive instruction from them which will be advantageous to us in many ways, which will further develop our vast natural resources and redound to the prosperity of our people. Providence generally helps those who help and protect themselves. That is our National Policy, and we hope under it we are on the high road to increased prosperity.

HON. MR. READ moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 9:15 p.m.

THE SENATE.

Ottawa, Friday, March, 27th, 1885.

The SPEAKER took the Chair at three o'clock

Prayers and routine proceedings.

THIRD READINGS.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported the following Bills, which were read the third time and passed without debate :—

Bill (37) "An Act further to amend the Act to incorporate the Saskatchewan Railway Company."—(Mr. Plumb.)

Bill (24) "An Act to incorporate the Lake Erie, Essex and Detroit River Railway Company."—(Mr. Plumb.)

WOOD MOUNTAIN AND QU'APPELLE RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (23), "An Act to amend the Act to incorporate the Wood Mountain and Qu'Appelle Railway Company," with an amendment.

He said :—I may state to the House that there is but one amendment to the Bill and that is to strike out the last clause. The committee at once decided to do that, but they desired as a matter of courtesy that the gentleman who had charge of the Bill in the other House should have notice before doing so. The committee had therefore deferred the consideration of the Bill for one day, and had given him notice in order that he might appear and give his reasons for that clause remaining in the Bill. The hon. member did not appear and the clause was therefore struck out. It is not surprising that he did not appear, as the clause had nothing in the world to do with the Bill ; it simply had a retroactive effect, making operative some provisions of the charter as originally introduced some four years ago, of which this Bill is an amendment. It therefore involved a vicious principle of legislation, and as no objection was offered by the promoter, the clause was struck out by the unanimous consent of the committee.

The amendment was concurred in.

HON. MR. PLUMB moved the third reading of the Bill.

The motion was agreed to and the Bill was read the third time and passed.

SYNOD OF THE DIOCESE OF QU'APPELLE BILL.

THIRD READING.

HON. MR. READ as acting chairman of the Committee on Standing Orders and Private Bills reported Bill (39) "An Act to incorporate the Synod of the Diocese of Qu'Appelle and for other purposes connected therewith," without amendment.

HON. MR. DICKEY moved the third reading of the Bill.

The motion was agreed to and the Bill was read the third time and passed.

THE ADJOURNMENT.

A QUESTION OF PRIVILEGE.

HON. MR. HAYTHORNE — Before the Orders of the Day are called I wish to refer to a matter that occurred yesterday. When the division was taken on the motion for adjournment from this afternoon to the eighth of April, the yeas and nays were called for by me, but the motion was stated from the Chair to have been carried on a division. I was asked afterwards why I did not press for the yeas and nays, and I stated in reply that I had called for them. The hon. gentleman from Lunenburg (Mr. Kaulbach) stated to me to-day that he also had called for the yeas and nays, and still the motion was declared to have been carried on a division.

THE SPEAKER—When the motion was put I declared that I considered the motion carried on a division, and I asked once or twice if any hon. gentleman wanted the yeas and nays taken, and several voices in the Chamber said only one had called for the yeas and nays. I certainly did not hear the hon. gentleman from Lunenburg.

HON. SIR ALEX. CAMPBELL — I think that on the occasion referred to the Speaker interpreted the results of our little discussion or altercation at the moment correctly. The hon. gentleman from Prince Edward Island did say "yeas and nays," but it was not followed up, and I think at the time the Speaker declared the motion carried on a division, it was the general concurrence of the House that the motion was carried.

HON. MR. KAULBACH—I did call for the yeas and nays at the time, but the sense of the House seemed to be that the motion should be carried on a division, and I did not therefore persist.

THE SPEAKER—I certainly did not hear the hon. member from Lunenburg call for the yeas and nays, and I supposed that I had rightly interpreted the sense of the House when I declared the motion carried on a division. If hon. gentleman would allow me to suggest to them, it would be better when yeas and nays are called for in the future that the two gentlemen demanding it should stand up.

BANQUE DU PEUPLE BILL.

SECOND READING.

HON. MR. PAQUET moved the second reading of Bill (53) "An Act respecting the Banque du Peuple."

The motion was agreed to and the Bill was read the second time.

BRANTFORD, WATERLOO & LAKE ERIE RAILWAY CO'S BILL.

THIRD READING.

HON. MR. PLUMB moved that the amendments made by the Committee on Railways, Telegraphs and Harbors to Bill (59) "An Act to incorporate the Brantford, Waterloo and Lake Erie Railway Company," be concurred in.

He said—there are several amendments that are merely verbal. One amendment is made to cover the promissory note clause, to bring the Bill into conformity with other Bills of the same kind. As the amendments are of no importance, merely verbal corrections, I trust that the report will be concurred in.

The motion was agreed to.

HON. MR. PLUMB moved the third reading of the Bill.

HON. MR. ALEXANDER—I do not suppose that anything I can say will have the slightest effect in changing the determination of the House to pass this measure, but never was legislation of a more objectionable character submitted to Parliament. It proposes that a company shall be chartered to build a railway from some point in the County of Wellington to the City of Brantford and from there to a convenient point on the Canada Southern Railway. We have, at the present moment, the Huron and Port Dover Railway which connects with that point; we have the Stratford and Buffalo which passes through at Brantford south, and we have another line connecting direct from the Town of Guelph with Brantford, and what is the object of this charter? The four gentlemen asking for

the charter cannot get any persons to subscribe for stock, but they may induce the municipalities through which the line will run to give them bonuses, and when they find that the road cannot be run for the want of traffic, the municipalities will find that they have thrown away their money. I am surprised that the Legislature does not put a stop to this uncalled for legislation. It is only a few days since we had influential delegations from many of those western counties coming here to ask the Government to assume the liabilities which they had incurred by granting bonuses to railways just of this character, still the hon. gentleman from Niagara recommends to the favorable consideration of this House another such charter, that more of the municipalities may be swindled in the same manner and brought into trouble.

The motion was agreed to, and the Bill was read the third time and passed.

INDUSTRIES AND MANUFACTURES OF THE DOMINION.

THE DEBATE CONTINUED.

The order of the day being called for resuming the adjourned debate on the Honorable Mr. Macdonald's motion :—That he will call attention to the Report of the Commission issued by the Government last year to inquire into the effect of the Tariff of 1879, on the Industries and Manufactures of the Country, and will ask the Government whether the Report will be furnished to Members of the Senate and a certain number to the country,

Hon. Mr. READ said :—I hope I shall be excused if for a short time I trespass on the patience of the Senate in the discussion of this important question. I have always been an advocate for measures in the direction of protecting our home industries. It is no new theory with me. When I began to inform myself on questions of political economy, I soon arrived at the conclusion that for a new country a protective policy was the proper one. On going into political life I continued to advocate protection as a policy, and I recollect that in Quebec, when the Parliament of Canada was sitting there, a few of us who thought alike on this question got together and considered a motion in that direction, but we found very few followers. There was hardly a corporal's guard in the House that would support us on that question, and the result was we had for a time to abandon it. We found that all the leading public men of the country—many of whom have since changed their opinions, and become advocates of protection—were then strong believers in a free trade policy. And these men are to be respected though they have changed their opinions, for the great statesman who introduced a free trade policy in England changed his opinion when the circumstances of the country demanded it, as our leading statesmen have changed their opinion when the circumstances of the Dominion demanded a change of policy. I could name many of them who are still alive, and who still take an active part in public affairs, but it is hardly worth while doing so, they are so well known to us all. In fact in those days, there were very few leading men in public life who were not free traders, and the leading press of the country at that time was a free trade organ, as it is to-day. I never lost sight of the subject, I always kept it in view. I have never changed my policy on the protection question, and eight years ago, fully impressed with the belief that the time had arrived for the adoption of a National Policy, I had the honor to move, in this House, a resolution in that direction, though I had then great difficulty to get a seconder for my motion. It was only after some difficulty that I got a seconder in my hon. friend who is now Lieutenant Governor of New Brunswick (Mr. Wilmot), who came to my relief, and on that motion we discussed the question in this chamber for a month. That, I believe, was about the first resolution introduced in Parliament towards the adoption of a protective policy for the Dominion. I thought when the debate was coming to a close, and some of the leading men in this House would not vote against my resolution, that I had gained a point, and that I was making wonderful headway. After a time it took root in the country, and the result was that in the elections of 1878 the principal issue before the people was that of the National Policy. We know that that question was fully before the people and discussed by them in every

county and in every province. The Government of the day avowed their intention of not changing the existing policy, that there would be no re-adjustment of the tariff though it was demanded in the interest of the country. But the Opposition of that day said to the people if you trust us with the destinies of the country we will re-adjust the tariff so that we will give a moderate amount of protection to home industries and preserve the markets of Canada for Canadians. We will re-adjust the tariff so that it will do the greatest good to the greatest number. That was the issue at the polls, and we all know the result. The country up to that time had not decided as to what the fiscal policy of the Dominion should be, but in 1878 their decision was recorded. Four years afterwards the Government in their wisdom considered it advisable to give the people an opportunity to decide whether they had made a mistake in what they had done in 1878, and to say whether or not they would like to reverse that decision. We all know the result, the Government were returned with a larger majority than ever. I contend that to-day the people of Canada are just as decided that the tariff must be maintained in such a shape as to protect native industries as they were in 1878, and I could not allow this opportunity to pass without saying a few words as to the effect of the adoption of that policy on the manufacturing industries of the country. We have been told by the leaders of the Reform party that governments cannot do anything by way of legislation to promote the trade of the country. Now, I maintain that governments, by wise legislation, can conduce to the profitable enjoyment of the people—that is the position I have always held. What is the aim of all statesmen in England? Do they not aim at securing profitable employment for the people? Is not the whole of their legislation in that direction? Wars have been brought about with that object in view—to find profitable employment for labor and capital. Wars are not always declared merely for a sentiment; in my opinion they are frequently brought about in order to find profitable investments for capital, and labor for the people. We have all noticed in our lifetime that, after a war, the first thing the British people proceed to settle is the tariff. They are selfish as well as other people, and adopt the policy that is best in their own interest. We all recollect the Chinese war, and how after the tariff was re-adjusted there was much prosperity in the trade and manufactures of Great Britain. Then, as governments can and do assist by wise legislation the industries and manufactures of a country, let us see what the National Policy has done for Canada. The first thing I will refer to is the coal interest. We were told that the National Policy would not assist the coal mines. We were told by the leader of the Opposition that it could not do so; but I said, "ask the coal producers;" and they gave an answer. However I can give as good an answer as they can, because I have in my hand the report of the Commissioner of Mines for Nova Scotia, and we will see from that report what has been the effect of the protective tariff on the coal industries of Nova Scotia. For quite a long time a large amount of coal was exported to the United States. The following table will show the amount of coal produced and sold by the miners of that Province for the years mentioned:—

NOVA SCOTIA COAL EXPORTED TO THE UNITED STATES.

Year.	Tons.
1865	465,194
1866	404,252
1867	338,492
1868	228,132
1869	257,485
1870	168,180
1871	165,431
1872	154,092
1873	264,760
1874	138,335
1875	89,746
1876	71,624
1877	118,216
1878	88,495
1879	51,641
1880	123,423
1881	113,728
1882	99,302
1884	110,887

We find from this table that the export of coal from Nova Scotia to the United States has declined from 338,492 tons in 1867 to 110,000 tons in 1884, though the total output of the mines has continuously

increased. Now we will see whether the National Policy has assisted that industry or not. Though we cannot sell more than 1/5 of the coal to the United States now that we did before they put on a duty of 75 cents a ton, and our miners have had to depend on the home market, what has been the result? The following table will show the total amount of coal produced and sold in Nova Scotia from 1879 to 1884 inclusive :—

1879	688,624	tons.
1880	954,659	"
1881	1,035,014	"
1882	1,250,179	"
1883	1,297,523	"
1884	1,300,000	"

It will thus be seen that since 1879 the production of coal in Nova Scotia has doubled, while the export of coal to the United States has dwindled down to about 20 per cent. of what it was in 1866. Now the question arises, if we had not adopted a protective tariff could the coal miners of Nova Scotia have produced that amount of coal and sold it in this country? I say not, and the reason is obvious. A commissioner sent by the Toronto *Globe* is at present investigating the condition of the industries of the United States, and he is now amongst the miners of bituminous coal, and this is his report on that industry : "All accounts represent the state of the bituminous coal trade as being deplorable in the extreme." He says the anthracite producers are in a better condition. If it were not for the National Policy the producers of bituminous in Nova Scotia would be cut off, for it would be better for the coal miners of the United States to sell the output of their mines at cost in the Canadian market, and thus keep their men employed, than to shut down operations. Now let us see how the coal trade of Nova Scotia with Quebec has increased under the National Policy. In 1881 the amount of Nova Scotia coal sold to Quebec was 268,628 tons ; in 1882 it had increased to nearly 400,000 tons.

HON. MR. HAYTHORNE—But they got special rates on the Intercolonial railway.

HON. MR. READ—I suppose special rates are given by the railways of the United States also to the coal producers in order to get their traffic and to enable them to send coal to our country. I am told by our coal miners that they cannot send coal to the American market; that no matter what price they attempt to sell it for in the United States the railways and the coal owners there will cut them out. While we are enabled to buy the coal of Nova Scotia, the miners in that province are consuming the products of Ontario and Quebec that we send down in exchange for it. I find that the total number of men and boys employed there in the coal industry last year was 4,235, representing a population of 16,000 or 20,000 persons who are supported by this industry. There is no doubt that the National Policy has been a great assistance to that industry, because we find while the produce of the coal mines has doubled, the amount exported to the United States has fallen off enormously, and the coal miners of Nova Scotia are finding their markets in the western provinces in exchange for our agricultural produce. We have been told that the sugar refineries have all been ruined, and that the National Policy is the cause. Now, I deny entirely that the tariff has been the cause of any depression in the sugar trade. The cause is what every commercial man must have seen—that for two or three years there has been a continual decrease in the value of sugar, and no man can buy any article of commerce on a falling market and save himself. If the market keeps dropping there will be a continual loss, and that has been the case with the sugar industry. I have no doubt that there are hon. gentlemen here who are engaged in trade, and I ask them if they can make money by buying in a falling market—either in sugar or any other article? They must admit they can not, and that is the reason why the sugar refining industry has been so unsuccessful. It was only last year I was breakfasting with a gentleman at the hotel, who said to me that he had bought 1,000 barrels of sugar in New York the previous day at 4¼ cents per pound. I did not know much about the trade, but I was interested in knowing how the price he had then paid compared with the average market rates of sugar, and I made inquiries of those engaged in the trade at different times

since then, and I found that sugars continued going down in price, until it was quoted the other day as low as 3¼ cents, so that it can easily be seen in that kind of market how money may be lost, without the National Policy having anything to do with the depression. We are told that the cotton industry has also suffered. There is no doubt there has been over production and stocks have therefore decreased in value, but what has been the cause of it? We find that the manufacturers ran on two or three kinds of goods, until the market became overstocked. The result was that they were driven to manufacturing twenty or thirty other qualities of goods, and now they produce what we formerly had to import, and the people are getting the benefit of the low prices. The only people that I see who have cause of complaint against the tariff are the millers. The millers I think have not had fair play. I am not an advocate for a change of policy. I cannot see why we should change the policy in that direction, because it can only be a short time—one or two years—before the wheat that is so much desired by our millers can be obtained from our own North-West. When that time arrives they will have no ground of complaint, and time will remedy that difficulty. In looking over the returns I notice that we have not been buying a large amount of wheat from the United States at all. I find that flour has been brought into the country during the last year to a greater extent than wheat. We imported into the Dominion for home consumption, in 1884 flour to the value of $2,438,000. That is a large quantity. Our millers complain that they are handicapped, and that there is twenty-five cents a barrel against them. I do not think there is quite as much as that, but I feel they have some cause of complaint which I hope will in a short time be remedied. The cause seems to be that in the United States they consume a very large quantity of choice flour which the millers there sell at fancy prices. Then the millers make a poorer quality of flour for which they cannot find a market in the United States, and as they can afford to make it cheaper than it can be produced in Canada, they send it over into our market. I suppose our people get the benefit of it, but I would prefer to see our millers buy our own wheat or foreign wheat and grind it to supply this market instead of foreign flour being brought in to compete with them.

Another industry that has prospered under the National Policy, and has grown to very large proportions within the last few years is the cheese industry. No doubt I will be told that the National Policy has had nothing to do with the prosperity of that branch of industry. I differ entirely from the hon. gentlemen who take that position. During the years that we had reciprocity with the United States, we practically depended upon our neighbors for a ready market for the products of the field and forest. We went to them because we could sell our surplus produce in their markets readily, and get our returns quickly, allowing them to transport those products to other markets. They were rather better off than we were—in fact very much better off. When the reciprocity treaty was repealed, we all know what was the result. Our neighbors repealed it in a fit of bad temper, thinking that, perhaps we had not treated them as well as we ought to have treated them during their great civil war; that our sympathies had gone against them in favor of the South. There is no doubt that that was at least one of the causes of the repeal of the reciprocity treaty. Under that reciprocity treaty we sold our raw products to the United States, and bought from them their manufactured goods, and paid them in addition over $50,000,000 in gold. It was a bargain that the United States should have been well satisfied with; but they were not, and they repealed the treaty, and so it stands at the present times. I saw, some two or three years before the abolition of the treaty, that it would be repealed, and, as I was rather British in feeling, I said to myself is there not something that we can do to keep our people employed and prosperous so that they will not have to beg for a market from the Americans—for at that time the *Globe* told us, in every issue, that we could not do without a reciprocity treaty with the United States. Perhaps that paper educated some people up to that belief, but it never influenced me. I said to myself is there nothing that our people can do to help themselves? I saw vast numbers of cows being picked up

through our country by American drovers at fifteen and twenty dollars a head, and driven by them across the line. Out of curiosity I began to inquire what was being done with our Canadian cows across the border. On investigating the matter I found that with our Canadian cows the Americans were manufacturing cheese for the English market. It struck me that we in Canada could do that as well as our neighbors, and for several years I advocated on every possible occasion, the establishment of cheese industry in this country. I invited our farmers to investigate the question, and I went so far as to offer a bonus of $100 to the first cheese factory that would be started in Ontario, and I actually did pay the bonus subsequently. I remember a gentleman who is now Chief Justice in one of the Lower Provinces, telling the people at a meeting, to take no notice of Read—that Read had cheese on the brain. But what has been the result of our farmers making the manufacture of cheese a branch of their industry? In 1866 we sold our cows to the Americans, and imported our cheese from the United States. In that year we imported into Canada cheese to the value of $223,477. Now let us see what we are doing to-day. After the American war, Congress put a duty of 20 per cent. on our cows, and to off-set it we put a little duty on cheese coming into Canada—we did take the hint that far. The 20 per duty on our cows shut us out of the American market, and our farmers having no market for their cows, set to work to manufacture cheese, and to show you what marvellous results have followed I may say that the exports of cheese from Canada last year amounted to $7,800,000. Of that a small proportion came into Canada from the United States and was re-exported; but the export of cheese manufactured in Canada amounted to $7,257,989 for the year 1884. Now let us compare the exports of cheese with the export of other Canadian produce for the same year. I want to draw the attention of the House and of the country to this statement, because everybody has not the time or the opportunity to wade through the blue books for such information.

EXPORTS OF PRODUCE FOR THE YEAR 1884.

Barley	$5,104,642
Beans	92,702
Oats	501,712
Peas	2,009,275
Rye	565,663
Wheat	3,359,192
	$11,633,186

If we deduct from this total of $11,633,186, the wheat imported, $3,376,032, it will leave the net export of these grains, the products of Canada, $7,757,054 for the year 1884. It will be seen from this statement that the export of cheese in 1884 nearly equalled in value the combined export of barley, beans, oats, peas, rye and wheat. That is a statement which I think the people of this country are scarcely prepared for. Now let us compare the exports of cheese with the exports of fish and fish oils for the same year. In 1884 the total export of fish and fish oils amounted to $8,591,634, so that it will be seen that our export of cheese was within $1,339,645 of the value of the exports of fish and fish oils. I contend that the manufacture of cheese is an industry started under, developed and encouraged by the National Policy, though I dare say that some hon. gentleman will deny to a certain extent that it is so. Cheese-making as an industry is developing enormously in this country, and as yet it is only in its inception. Now let us look at the progress of of the cheese industry in the United States and see how we compare with our neighbors in this respect.

UNITED STATES EXPORT OF CHEESE.

1861	$3,321,631
1866	6,036,828
1883	11,134,526

It will be seen by this statement that the exports of cheese from Canada last year were within $3,000,000 of the exports of the same article from the United States. We are in the right zone for nutritious grasses, and we shall continue to produce an article of cheese that will always find a market in England, because in establishing the manufacture of cheese in Canada, those who had an interest in it took every precaution to get the best makers they had in the United States to run our factories, and

our own people have been educated up to the best methods of carrying on this industry. Our grazing lands being well adapted for the business, we have succeeded beyond our expectations, and to-day we lead the market in England. It was only a few days ago I noticed in a copy of the *Grocers' Gazette* that Canadian cheese was quoted in the Liverpool market at 70 shillings per cwt., the highest price in the market. I would like to read to the House the opinion of an American, given at a meeting the other day, in reference to the cheese trade, and you will bear in mind that Americans are not like some of our people on this side of the line who feel that if they cannot rule they will ruin. You never hear an American running down his own country or his country's institutions, or anything else American. He always represents the United States as the finest country in the world, and there is nothing to compare with it. Americans may have difficulties and troubles amongst themselves, but they keep such information to themselves; they never tell it abroad. This American gentleman that I have referred to, at a meeting at Amherstburg the other day, read a very interesting paper on the cheese industry of Canada, in which he used these words :

"In this respect (the manufacture of cheese) Canada leads the world, as he had occasion to notice while in the Old Coun try markets." I am satisfied that our cheese industry is as yet only in its infancy, because we have attained that status in the English market, that when a dealer wishes to speculate largely in cheese he buys Canadian make, because he knows he can rely on that brand being good and of a uniform quality. So much for the cheese industry which had been stimulated by the National Policy, and by the local Government in Ontario. Every thing has been done to foster and encourage it, and I think it is now on the high road to prosperity. But we are told that Canada is not prospering, that everything is going to the bad. I can remember when in Parliament, in 1864, an hon. gentleman who is now a member of this House introduced a Bill to allow the municipality of the county of Hastings to borrow money to loan to the farmers of that county to buy seed grain, and before it passed through Parliament other counties petitioned for the same privilege, and it was made general. If we were in as prosperous a condition that year as we are at present, as hon. gentlemen contend, why was that Bill introduced? At that time we had reciprocity with the United States, and were supposed to be enjoying the benefits of free trade in natural products? Now our people are helping themselves, and we all know the old adage that the Lord always helps those who help themselves. In the very county for whose benefit the Bill was introduced in Parliament in 1864 to allow the municipality to borrow money to lend the farmers to enable them to buy seed grain, $1,500,000, was paid last year for the products of the cheese factories—an industry that is yet in its infancy in that county. A purely agricultural country must be always a poor country. Agricultural pursuits cannot be carried on profitably alone ; there must be a manufacturing population to create a home market. There are certain products of the soil that can only be profitably produced if there is a home market ; they cannot be exported, and unless you have people to consume them they go to loss. There is only an imaginary line between us and the United States, and the policy that has been beneficial to our neighbours commercially cannot be injurious to us. Going down the St. Lawrence if you get off the boat on either side you could not tell whether you were in Canada or the United States so far as the physical features of the country are concerned, and I hold that the commercial policy that has been so beneficial to the United States cannot be otherwise but beneficial to Canada. If we look at the history of the United States we will find that there was a time when the South thought they were paying too much for manufactured goods ; they thought the tariff was too high, and the result was that Congress passed what was called a compromise tariff. That tariff continued for nine years, and let us see what was the effect of it. The duty on imports was about 32 per cent. Under the Compromise Act the duty was reduced every two years until it got down to 12½ per cent., where it remained, and at the end of nine years where did it leave the Americans? I will quote from a free trader's speech when he came to Parliament and asked to have the tariff considered, I refer to Henry Clay.

HON. MR PLUMB—He was not a free trader.

HON. MR. READ—I take that back then; I thought he was a free trader.

HON. MR. PLUMB—He lived in Kentucky, but he was a strong tariff man.

HON. MR. READ—Well let us see what he has to say upon the trade question, after nine years experience of the compromise tariff:—

"I do not ask what have been the remote causes of the depression and wretchedness of our once glorious and happy country I will turn my views only on the causes which are proximate, indisputable and immediately before us. One great, if not the sole cause, is to be found in the withdrawal of money from the country to pay debts accrued and accruing abroad for foreign imports, or debts contracted during former periods of prosperity. What then is to be done to check this foreign drain. We have tried free trade. We have had the principles of free trade operating on more than half of our comforts for nine years. That will not do, we see. Do let us recall the time when a protective policy was established, and we then had universal prosperity."

Now let us see what was the result of the nine years operation of that tariff. In 1841 the free imports of the United States amounted to $61,031,098, and the imports of dutiable goods amounted to $61,926,446, while the average duty on total imports was about 12½ per cent.; in 1860 their imports of free goods amounted to $82,291,614, while their imports of dutiable goods amounted to $279,873,327. Then the great civil war came on that was so fraught with disaster and ruin to the country. After the war we know that the duties were increased enormously, and where would the United States have been to-day if they had not adopted that protective policy? To my mind, if they had not adopted a high tariff they never could have paid their debts; the money would have been drained out of the country, and they would not be to-day in the flourishing condition that generally prevails throughout the United States. Free traders tell us that we do not get poorer if we buy more than we sell. That is a delusion; if we sell more than we buy we must be getting better off. There is no doubt about that. The great free trade organ in England, the *Times*, told us a short time ago that while Canada was to be congratulated that she was able to buy in a foreign country more than she sold, that that must not be considered as an evidence of wealth but as an evidence of debt. There is no doubt that the policy of Great Britain is a policy of protection for them; but they are selfish, all nations are selfish, everybody is selfish and looks after his own interests first, and while the policy of England is free trade, because the people think it is to their interest, the rest of the world are protectionists for the same reason. Look at Germany and France to-day re-enacting more protective laws. But the whole world is wrong, and the free trade theory of England is right—according to their own views. I think, however, there are as able men in the United States as there are in England, and if the Americans do not know how to look after their own interests I mistake them. I do not want to occupy the time of the House any longer on this question, the subject has been so thoroughly discussed, but I think there is something more to be said upon it. It is a question that will bear discussion. I do not suppose there will be any converts made by discussing it, but how public men in a country like this can continue to tell us that we should buy the manufactures of other people, while our own operatives are unemployed is a matter I cannot understand. Will anyone tell me that the United States could have absorbed the population that has gone in there in the last twenty years if they had not in operation a greater portion of that time a protective policy under which employment was found for everyone who wanted it? There are great numbers of the population who are not fit for agricultural pursuits, and it would be no more use to send them on to farms than it would be to send me aloft. The statistics of emigrants from Great Britain, recently compiled by the London Board of Trade show that in thirty-two years past 5,648,096 persons of British and Irish birth have emigrated. Of these 3,730,454 went to the United States, 1,111,225 went to Australasia, and 571,366 came to British North America. We have had half a million, and the United States nearly four millions of immigrants in thirty-two years. It shows that the United States could not have absorbed this large

immigration if it had not been for their protective policy, which encouraged manufacturers and furnished employment to all classes of people. I am quite convinced that protection is the policy of this country. and that our friends in the Opposition will be a long time before they attain power if they do not change their opinions in that respect; if they like to remain in the cold shades of opposition, by holding on to their present opinions, it is their own business.

We are getting along well. There never was a time when all classes of the people in Canada were better fed and better clothed than they are to-day; everybody who wishes for employment has plenty to do. There is no distress in our land. People are not coming to the doors of Parliament demanding bread or work, as they were during the time of the Mackenzie Government; labor is well employed and well paid. What is the price of labor? It is the amount of food and raiment you can get for it. If the laborer can get as much food and raiment for $1 at one time, as he can for $2 at another, he is as well off at $1 as at $2 wages. The laborer to-day has a reasonable price for his work; food and clothing are low, and nobody need want the necessaries of life. There is no complaint throughout the country of hard times, and there is no reason why any able bodied man should be unemployed. If the laborer goes about hungry it is his own fault, and it is because he will not work. Finding that to be the condition of affairs after six years experience of the National Policy, I think we have reason to congratulate ourselves and the country that our public men have thrown off the trammels of the *Globe* and the free-trade theories of England. We can all recollect how the Chambers of Commerce of Sheffield sent a remonstrance to the British Government, which was forwarded to our Government, against the policy of 1878, saying that under our protective tariff manufactories of iron had been established in Montreal and other places, and if the National Policy were continued other manufactories would also be established, and Canada would be lost as a market for the manufactures of England. However we have got a little out of the leading strings; we have got out of Downing Street rule. I will not trouble the House any further, and I only say that I congratulate the country on the fact that we are on the road to prosperity, and if we continue on as we are doing I think it will be some time before we have cause for regret at the action taken by Parliament in adopting the tariff of 1879.

HON. MR. TURNER—Seeing that this debate has already been so prolonged I would not occupy the time of the House were it not that the hon. member for Ottawa has called attention to a Hamilton industry of which I know a little. There were also some other remarks in his speech which I would like to take some notice of, and if you allow me a few moments I will do so. The hon. gentleman said in his speech on the subject now under discussion, "I find its stock (The Nova Scotia sugar refinery) quoted at twenty-five cents in the dollar. What has become of the other seventy-five cents?" In reply I would say that the unprecedented and astonishing shrinkage during the past year in the price of sugar, and the rapidity of the decline has been so disastrous that the planter and the refiner—in fact all connected with the trade the world over, have either been overtaken by bankruptcy or become sadly crippled financially. This with the consequent want of confidence will account for the depreciation in such stocks. But now there is evidence that the market has touched bottom, and I confidently look forward to an early revival, and know of no city more likely to be benefited thereby than Halifax. In fact with its advantages if it does not become the Greenock of the Dominion, I am satisfied that the cause of failure can only be a want of enterprise on the part of its citizens. In another part of the hon. gentleman's speech he said:—

> Soup kitchens have been established in different parts of the country; I notice there is one in the flourishing city of London. And this is the opportune time that the hon. gentleman takes for lauding the fiscal policy which was to bring prosperity by Act of Parliament.

There is to-day, and has been in London during the winter season, in prosperous times and the reverse, for many years past, a charitable association organized to render assistance to the poor, whom our Saviour says we shall have always with us.

I do think therefore that such laudable charities should be praised and encouraged rather than that their usefulness should be endangered or hindered by being brought into such discussions. Although this is the only soup kitchen that has been named by the hon. member from Ottawa, he has given us to understand that there are others; if so, I can only say that, provided they are conducted like the London institution, I should like to see such organizations in every city in the Dominion during the winter months, be the times good or bad.

The hon. gentleman further remarked that "the tariff of the United States has been as great a curse to that country as ours has been to Canada." I accept the comparison, but join issue as to the conclusion aimed at by my hon. friend. According to the hon. member for Niagara the average age of the hon. members of this House is 62 years. Most of us, therefore, can recollect the standing of the United States among the nations some forty years ago, when they commenced to develope their prairies.

I can myself look back to that time, and we can all recollect that the United States were then merely a third-class power. Almost simultaneously, however, they adopted a protective policy, and since that time their progress has been astonishing. Our position to-day is somewhat similar; we have adopted a protective policy, and we are now launching out on our prairies and developing our North-West, and although not a prophet nor the son of a prophet, I say if Canada is true to herself—if Canada carries out the policy she has adopted in the same way as the United States carried out theirs, that in two decades hence we will see a population in this country that will astonish the world. I happened to be, before I came to this country, for five years connected with a printfield warehouse in Glasgow. I was a free-trader then, and would be a free-trader again under similar circumstances; but what I object to is the theory that because one policy is suitable for England, that the same policy must be suitable for every other country. I think those things must be settled by each country for itself. It may be very suitable for England to adopt free-trade at one period, and it might be wholly unsuitable for it to continue that policy at another stage of its history. So it will be for this country. At the present time, and under existing circumstances, I am a strong protectionist. Although I came to Canada a free-trader, as soon as I landed in this country I saw at once that the policy for Canada must be protection, and I will give you the reason why I came to that conclusion. While we were block-printing in Glasgow we printed for the home trade, and were fully employed say for four months of the year for the Spring trade, four months for the Fall trade and for four months we had really nothing to do for the home trade. At that time it was necessary to keep our men, and it was necessary to employ them at the work they were at. Our blocks cost us nothing for such a purpose, our men were put upon short wages during those four months, and the result was that we printed a large amount of goods for foreign markets at the mere cost of material and labor, and shipped immense quantities of goods to Boston, New York, Baltimore and Philadelphia. During the time I was connected with this trade in Glasgow there was a number of printworks started in the vicinity of Boston, but the duty at that time being only ten per cent. owing to the competition from the manufacturers on our side of the water on such an unfair basis, every one of those printworks went to the wall. But the United States at the time I refer to, put on a duty of, I think, 35 per cent. on our goods, and cut us out. We could not send our goods over there because the loss was too great, and we lost that market. The people in the United States, no doubt, paid a little more for their printed goods for a time, but what is the result to-day? They print more than they require for their own market, and turn out as good prints, and some of the handsomest styles in the world. The theory of the free trader is right. I am a free trader on the broad theory of free trade; but in a discussion of this kind you must take facts as well as theory. I go on the principle that theory is bad if facts are against it, and that theory is good if it squares with facts. Referring to the workings of the Customs Department, the hon. gentleman from Ottawa said there is no appeal from the decision of the Minister. Surely the hon. gentleman must

know that if the Minister of Customs gives a wrong decision, the party aggrieved can go to the Courts and have it upset if he has a good case, but the fact of the matter is that the decisions of the Minister and his Department have been so just and so satisfactory that there has been no appeal from them. The hon. gentleman said further :—

"I can mention a case to my hon. friend where goods were purchased by five different parties from one man. They went to two or three different points in Canada, and the same class went to another point where another and a different duty was imposed."

During the time of the Mackenzie Administration I did that very thing myself. I suspected a great deal of difference existed in reference to the passing of sugars through the Customs House at different ports. I had 100 hogsheads of sugar arriving from Cuba, and I determined to get at the bottom of this, in order to see under what system sugars were entered at various ports. I sent 20 hogsheads to Hamilton, 20 to Clifton, 20 to Port Dover, 20 to Brantford and 20 to Stratford, and there was not one of those lots properly entered except those at Hamilton and at Clifton. All the others were entered differently, and on a much lower valuation. I brought the matter up before the Dominion Board of Trade, and the late Hon. Mr. Burpee, who was then Minister of Customs, asked me to submit to him a statement of the case. As soon as I did so each one of those Customs officers was reprimanded. Now that is what I would say to all merchants who have grievances against the Customs Department. The proper course is to submit them to the authorities instead of bottling them up and abusing the Minister who may know nothing about the facts of the case. I am perfectly satisfied, and take this opportunity of saying so as a merchant of thirty-seven years standing in Canada, that in my opinion the Customs Department was never better nor more satisfactorily managed than it is at the present moment.

The hon. gentleman from Ottawa further remarked that :—

"When prosperity began we were able to stand the National Policy. We could not have stood it if it had not been for that change in the condition of other nations, and we enjoyed prosperity in spite of the National Policy."

The National Policy is the very thing that saves us at the present moment. If it were not for the National Policy where would we be? Where would the gold come from to pay for the goods purchased outside? Were we not clothed with our own cloth we would have to get cloth from somewhere else, and that would have to be paid for in hard cash. The particular point in the hon. gentleman's remark that brought me to my feet is this :—

"The hon. gentleman knows that Hamilton is the centre of the sewing machine trade. There are more manufacturing establishments there than anywhere else in Canada. In 1877, with a tariff of 17½ per cent., we imported 5,281 machines; in 1884, with a tariff of 31 per cent., we imported 12,259 machines."

The statement of the hon. gentleman is strictly correct, but what are the facts of the case? In 1877 there was a duty of 17½ per cent—that is $3.50 a machine. That was when parties went over to the United States, and bought those machines at the then market value there of $20.00 to $22.00 each, and paid the duty on that value so at that time there was a protection on machines of $3.50. To-day there is no protection with the $6 duty that is charged, and I will tell you why. The market price in the States—that is the selling price to the wholesale trade there is still $20 to $22, whereas to Canadians the selling price is from $14 to $16. The duty being 20 per cent. ad valorem on the selling price to the wholesale trade of the United States would be $4 and $2 specific, in all $6, the Canadian therefore gets the machine, duty paid at ex actly the New York price of to-day. I would like to know in this case who pays the duty?

HON. MR. MACDONALD — The American manufacturer pays the duty there.

HON. MR. TURNER—Certainly, the American manufacturer pays the duty in that case. The hon. gentleman from Ottawa says further that this tariff was adopted for the purpose of favoring the few at the expense of the many. But what was the tenor of his whole speech? His whole argument was to the effect that the manufacturers were being ruined because they could not get proper prices for their goods. Is that favoring the few? Why,

it is the many who are getting the cheap goods, and under such circumstances I think, with my hon. friend from Belleville, that the National Policy does the greatest good to the greatest number. I can bear testimony to a great many of the facts advanced by my hon. friend with regard to the cheese trade. I recollect when we could not, on account of its inferiority, sell cheese made by our own farmers. A protective duty of three cents was put upon cheese, however, and now we produce and are large exporters of the finest cheese manufactured in the world.

HON. MR. LEWIN—I had not the slightest intention of inflicting anything like a speech on this House at this period of the debate, but I heard such a chorus of praises of the National Policy since the discussion has commenced in this House that I cannot allow them to pass without rising on behalf of the Maritime Provinces and certainly on behalf of New Brunswick, to say that it is the very reverse with us. Since I left Ottawa last spring I have scarcely heard anything but complaints of business stagnation and of the utter failure of the National Policy as far as the Maritime Provinces are concerned. With respect to the report of the commissioners, which is now under discussion, it is made up in a very peculiar, unsatisfactory and confused way, so that you can draw very little conclusion from it, and I therefore pay very little attention to that report. I take the National Policy as it stands on its merits. In the first place I think it is admitted that you cannot protect an exporting industry. Any industry in which you produce in the country more than you can consume you cannot afford it protection; all you can do is to facilitate the cheap production of those goods which have to go forth into the neutral markets of the world. Now what are the great interests of Canada? First in point of numbers and capital employed I presume is agriculture, and the exports of agricultural produce, meat, grain, cheese and things of that kind cannot be protected, and the National Policy, therefore, only imposes a burden on the farmers. The next great interest is the lumbering industry. I presume we export three-fourths of the lumber manufactured in this country. We go into all the markets of the world—the markets of Great Britain and the United States and France, and other countries where we compete with the lumber from the Baltic and that of the western States. We certainly cannot protect that industry, and the National Policy only imposes heavy burdens on the lumberman. The fisheries are in the same condition. The fish we catch and cure are exported to various parts of the world, and that is an industry we cannot protect. What have we that we can protect? Shipbuilding, I am sorry to say, is almost an industry of the past—the building of wooden ships.

HON. MR. SMITH—Because iron vessels are coming in instead of wood.

HON. MR. LEWIN—I recollect having counted in the harbor of St. John some few years ago, thirty vessels being built, and when I left there this session there were but two on the stocks. I do not mean to say that the National Policy has destroyed the building of wooden ships. but I must say that it has aggravated the depression in that trade by increasing the prices of the necessaries of life which the ship carpenters must have; and increasing the prices of articles used in ship building.

HON MR. KAULBACH—Name the articles.

HON. MR. LEWIN—Almost every article that people eat, drink and wear.

HON. MR. KAULBACH—Name them.

HON. MR. LEWIN—Take for instance the article of cornmeal, which is the poorest class of food used by the fishermen in this country.

HON. MR. SMITH—They do not use cornmeal for food.

HON. MR. LEWIN—They do use a great deal of it, and still on that coarse article of food our laboring classes have to pay 40 cents a barrel duty.

HON. MR. KAULBACH—They do not eat it.

HON. MR. LEWIN—What do they do with it then?

HON. MR. KAULBACH—Feed it to their cattle.

HON. MR. LEWIN—The fishermen have no cattle to feed cornmeal to. Then take coarse wollens of which the clothing of the fishermen is made. How are they taxed? Instead of paying an ad valorem duty, the duty is collected on such goods by weight.

HON. MR. SMITH—All kinds of woollens are 25 per cent. cheaper now than they were before the National Policy.

HON. MR. LEWIN—The hon. gentleman may also say that sugar is cheaper now than it was then, but certainly it is not our protective system that makes it so. It is not the enormous duty that makes sugar cheaper; it is because of the overproduction of refined sugar in other parts of the world.

HON. MR. SMITH — We produce coarse wollens in this country.

HON. MR. LEWIN—What has been the result? Practically I have seen more of the Maritime Provinces than I have of Ontario or Quebec, but in the Maritime Provinces I know it has stimulated two or three industries, such for instance as cotton and sugar, and what has been the result? In the city of St. John we had a cotton mill established. Some quarter of a million of dollars of capital was subscribed to put the mill into operation, and there was a great puff made about it as to what it was going to do for St. John, that it would employ so many hands. I now hold in my hand an order of the judge of the Supreme Court of New Brunswick calling the stock-holders of that company together to wind up the concern under the Insolvent Company's Act.

HON. MR. HOWLAN—What factory is that?

HON. MR. LEWIN—The St. John Cotton Company.

HON. MR. KAULBACH—That is the result of bad management.

HON. MR. LEWIN—We had another cotton company there, the Parks Cotton Company, which had been in existence for twenty or twenty-five years. Under the stimulating influence of the National Policy they doubled and trebled the size of that factory, and what has been the consequence there? It is now in process of foreclosure under a mortgage and will be sold in June. That is two of the cotton factories. With regard to the cotton factory in Windsor, the stock can be purchased for 25 cents on the dollar.

HON. MR. KAULBACH—I think not.

HON. MR. LEWIN—With regard to the sugar industry, it is in very much the same way. The stock is in a depreciated state. The fact is the National Policy has stimulated those industries until millions of dollars of capital have simply been sunk. Probably some syndicate will come in and purchase them for the amount of the mortgage.

HON. MR. PLUMB—Does not that cheapen the products of those factories to the people?

HON. MR. LEWIN—The stockholders lose money.

HON. MR. PLUMB—But is not the effect of that to cheapen the price of the articles to the people?

HON. MR. LEWIN—We are now going through the process of winding up those industries which the National Policy stimulated unduly. Now there has been another establishment in Moncton, the Peters Combination Lock Company.

HON. MR. MACFARLANE—That was established before the National Policy was adopted.

HON. MR. LEWIN—It was there, but under the National Policy it has been wound up and sold. It was not able to pay its debts, the whole capital put in by the stockholders having been lost. The fact is our country is in a disastrous state—the lumber trade, the shipping trade—all our industries, and I do not think they have been in such a bad condition at any time within the last forty years,

HON. MR. KAULBACH—It is not so in Nova Scotia.

HON. MR. LEWIN—My hon. friend says that is not the condition of affairs in Nova Scotia. He told us the other day in what a deplorable condition Halifax would have been if it had not been for the establishment of the cotton and sugar industries. I went out of the Chamber immediately after he made that remark, and met a prominent Halifax man and asked him about it. He told me "These industries have been the cause of all our troubles: the money is locked up in them and the people cannot get it."

HON. MR. KAULBACH—Wages were never higher in Halifax.

HON. MR. LEWIN—Then the hon. gentleman said there is a large amount of money in the savings bank. The explanation of that lies in a nutshell. Trade was depressed and money was abundant; all the solvent banks of the country reduced the rate of interest to three per cent; the Government were in want of money and offered four per cent. What has the consequence been? People very naturally took their money from the charted banks and put it in the savings banks.

HON. MR. HOWLAN—There is more money in the chartered banks now than there was in 1878.

HON. MR. SMITH—A great deal more.

HON. MR. LEWIN—The whole result of the National Policy seems to have been that for two or three years it of course produced a surplus revenue; that surplus revenue, naturally, as it always does, induced a certain amount of extravagant expenditure, and the end of it now is that we have got a deficiency to meet. There is no question of it at all. We shall soon have to look around for some other objects of taxation. I am not going to enter into any elaborate speech on free trade and protection. My hon. friends from Prince Edward Island and Ottawa went into that question very largely, and showed the prosperity of England under a free trade system, but certainly as far as the Maritime Provinces are concerned, we are suffering from a severe depression at present.

HON. MR. KAULBACH—It is not so in Nova Scotia.

HON. Mr. LEWIN—My hon. friend from Lunenburg propounded some extraordinary theories; one is that the duty upon coal is paid by the American seller.

HON. MR. KAULBACH—I said that is the case wherever it comes within the area of competition with our coal.

HON. MR. LEWIN—I do not think it is worth while to discuss such a fallacy as that. Coal is an article in which there is universal competition, and if we put a duty upon it the tax must be paid by the consumer.

HON. MR. KAULBACH—I have shown that coal is as cheap now at Prescott and Brockville as it is in Ogdensburg.

HON. MR. WARK—It is too bad that the hon. gentleman from Lunenburg cannot let the hon. member proceed with his speech. He has interrupted my hon. friend more in the ten minutes that he has been speaking than the hon. gentleman was himself interrupted in his four hours speech.

THE SPEAKER—The hon. member from St. John has the floor, and should not be interrupted.

HON. MR. KAULBACH—I am sure I would not think of interrupting my hon. friend if I thought it was displeasing to him. When I am speaking myself I rather like to be interrupted in that way than otherwise.

HON. MR. LEWIN—Another proposition of the hon. member from Lunenburg was this, that the National Policy increased the price of meat and grain, because he said one-half of the meat and grain raised in the country is consumed in it. Could a greater fallacy be propounded than that? It is very evident that if you have to export any quantity of an article the export price fixes the value of the product in the country.

HON. MR. KAULBACH—The home market is the best market.

HON. MR. LEWIN—But the home market price must be fixed by the price in Liverpool. I do not want to detain the House at this late hour and after such a long debate as we have listened to, but I wish to express my entire dissent from the proposition that this National Policy has benefited the Maritime Provinces, especially while the people of New Brunswick are suffering to a greater extent than they have for many years before. During the fifty years that I have been mixed up in mercantile matters in St. John, I do not think since 1842 the country has been in a worse state than it is now. Real estate has depreciated about fifty cents on the dollar from what it was. Every description of trade and business is in the most depressed state, and people are becoming perfectly hopeless. Here we have the prospect before us that on the 1st of July next our reciprocity with the United States in fish will be abolished, and we see no effort being made to renew it, and the next thing we will have will be a duty on our fish. I wish to express my entire dissent from the praises which have been bestowed on the National Policy. To us it has simply been an oppressive policy, one which has taken a large amount of revenue out of the country and has crippled our trade and resources.

HON. MR. FLINT moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned at 5:10 p.m.

THE SENATE.

Ottawa, Wednesday, April 8th, 1885.

The SPEAKER took the Chair at eight o'clock p. m.

Prayers and routine proceedings.

THE BANK OF UPPER CANADA.

MOTION POSTPONED.

The motion on the order of the day having been called,

That an humble Address be presented to His Excellency the Governor-General; praying that he will cause to be laid before this House, a full and complete statement,—

1st. Of the entire assets of the Bank of Upper Canada when first placed in the hands of the Government Trustees, Mr. C. J. Campbell and Mr. Peleg Howland.

2nd. Of the amounts recovered from the said assets, and from the different debtors of the Bank during the period of their trusteeship, and afterwards, when the remaining assets were placed in the hands of Mr. Clark Gamble, of Toronto.

HON. MR. ALEXANDER said: I think I shall have to ask the House to allow me to postpone this motion to the 21st of April because of the troubles brought upon the country through the culpable mal-administration of our present rulers.

HON. SIR ALEX. CAMPBELL—It ought to have been fixed for the 1st of April.

The motion was allowed to stand until the 21st inst.

A QUESTION OF PRIVILEGE.

HON. MR. ALEXANDER—Before the Orders of the day are called, I rise to a question of privilege. I desire to call the attention of the House to the report which appears in the Toronto *Mail* of the speech of one of its members upon the motion for adjournment, on the 26th of March. The *Mail* says upon that motion for adjournment:

"The Hon. Mr. Alexander opposed the motion, which was likely in his calculation to ruin the country. He soon fell into his usual strain and attacked the Minister of Justice and the present Government to the hearty amusement of the House, which was kept in roars of laughter by the hon. gentleman's eccentric remarks."

Now, hon. gentlemen, I do not believe that the gentleman who reports for the *Mail* in this Chamber ever made such report. I do not believe—I cannot believe—that a member of the press whom we all respect so much ever made that report, and I only desire to add that I hope the present Minister of Justice and his colleague, Sir David Macpherson, did not inspire that infamous distortion of what I did say. That is the way they are carrying on the

Government of the country—by fraud or force.

HON. SIR DAVID MACPHERSON—I have never taken the slightest notice of the hon. gentleman's stilted nonsense.

OFFENCES AGAINST THE PERSON BILL.

THIRD READING.

HON. SIR ALEX. CAMPBELL moved the third reading of Bill (F) "An Act further to amend an Act intituled 'An Act respecting offences against the person.'"

The motion was agreed to and the Bill was read the third time and passed.

SUMMARY PROCEEDINGS BEFORE JUSTICES AND OTHER MAGISTRATES BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (L) "An Act to make further provision respecting summary proceedings before justices and other magistrates."

In the Committee, on the 2nd clause,

HON. MR. GOWAN—At the suggestion of one of the judges in Toronto I would like to put in two or three words in the 19th line so that it shall read: "shall also be sufficient if contained in the information, summons, order or"

The amendment was agreed to and the clause was adopted.

On the 3rd clause,

HON. MR. GOWAN—This clause is merely an amplification of the 2nd clause. It gives the particulars of the cases to which it refers.

HON. MR. POWER—I would like to ask my hon. friend if he does not think that he rather limits the effect of the 2nd clause too much by the 3rd clause.

HON. MR. GOWAN—I think not. The effect is to enlarge, and so far as I have had an opportunity of conferring with the judges who are most conversant with those matters—their opinion is, it is not intended to limit; it is intended to bring out in bolder relief the particular and specific objects of the clause by giving examples. It might be that a judicial construction would find some doubt in some of those cases being within the clause, and the object of those particulars is to show that they are intended to be within the scope and meaning of the clause.

HON. MR. POWER—I think that to avoid any doubt it would be advisable to insert some words after the word "matters," to show that clause 2 is not limited to the matters set forth in clause 3, and I think my hon. friend should insert after the word "matters," the words "amongst others."

HON. SIR ALEX. CAMPBELL.—I do not think that would answer; we must specify matters.

HON. MR. POWER—The specification is rather limited.

HON. MR. GOWAN—I think if my hon. friend opposite would read the clause over he would see that it covers the point he takes. I have, personally, no objection, but I think the clause is clear enough as it is.

The clause was agreed to.

On the 4th clause.

HON. MR. GOWAN said:—In case of an indictment, the offence may be stated in a number of different counts. This is not so in summary proceedings; it would be held to be charging several offences, and the hon. gentleman referred to some cases in this connection.

HON. SIR ALEX. CAMPBELL—I should like to know from my hon. friend where he got the plan of giving an instance of what some clauses mean? That, so far as I have observed, is novel. I do not think I have ever noticed a Bill before in which instances are given of what is meant by the language of the Bill.

HON. MR. GOWAN—It is, I believe, found in English legislation. Unfortunately under our system litigants have to pay for settling questions of that kind, and I thought in respect to provisions of this kind we could not be too clear to prevent the parties from paying the expense of having a judicial construction put upon the Act.

HON. SIR ALEX. CAMPBELL—Can my hon. friend refer to any cases of this kind in the English statutes at present?

HON. MR. GOWAN—I cannot at this moment, but my recollection is that it is so, and I know that one of the best draughtsmen in England recommended it.

HON. SIR ALEX. CAMPBELL—Supposing that had to be construed by the court, and the case which came up was not the case which is given here as an example, but another case, might not the court be so limited by that example as to say "we cannot give the same law in reference to another case, because there is no example of it?"

HON. MR. GOWAN—No, not at all. The court would certainly be at liberty to adopt that as a mere illustration.

HON. SIR ALEX. CAMPBELL—I should like, before the Bill passes, to have an opportunity of looking into this matter and seeing whether there are instances of legislation in this way, and if so I suppose we can ascertain that it would be safe to adopt it; if not I should rather object to this mode.

HON. MR. GOWAN—I have no objection to eliminating it altogether rather than prejudice the passing of the Bill.

HON. MR. PLUMB—While I have great respect for my hon. friend's judgment, and I speak with great deference, not being a lawyer, I think he has in some way confounded two ideas. The magistrates of England are in a very different position from the justices of the peace appointed, for instance, in the Province of Ontario. I do not believe that it is desirable that those gentlemen should have their powers enlarged—if this Bill enlarges their powers.

HON. MR. GOWAN—It does not.

HON. MR. PLUMB—I understand that it does very considerably. Of course I am desirous, if it does, that they should be protected in the exercise of their functions. I do not think that they should be subject to unnecessary difficulty or trouble; but from personal observation, I really think it is undesirable that the course of legislation should be such as to give larger powers to a class of men who may use those powers very often arbitrarily. They are almost always used in small cases, such as troubles amongst neighbors, and I should be for restricting and limiting the powers of the magistrates in a most explicit manner, leaving nothing that could be abused, for it is almost impossible for the kind of litigants who are brought before magistrates to get protection in every case. By this very Bill they cannot appeal without giving considerable bail. That cuts off the farm laborer and the very class of men who are frequently taken up for small offences—often through malice—and I had serious doubt about this measure when it first came up. Since the Bill was brought before the House I have consulted some lawyers of most eminent authority who agree with me in thinking that the greatest caution should be exercised in dealing with legislation of this kind. I would be very sorry, indeed, to say anything which would look like differing from or interfering with the hon. gentleman in carrying his measure; I trust, however, that the Minister of Justice will look carefully into this Bill. I do not think it ought to be hurried, and it should be fully discussed by gentlemen of the legal profession who are fully competent to understand its full extent and meaning before it passes its final stage.

HON. MR. KAULBACH—If it had the effect that my hon. friend suggests, I should be with him in his contention, for I should certainly not be in favor of enlarging the powers of justices. But I cannot see that it has any such effect; its object is to correct the errors of justices.

HON. MR. LACOSTE—I wish to call attention to the 2nd clause, which provides that if the court or judge before which or whom the question is raised "is, upon

persual of the depositions, or by affidavit, satisfied that an offence has been committed over which such justice has jurisdiction, and that the punishment imposed is not in excess of that which might have been lawfully imposed for the said offence he need not set aside the conviction." The prisoner may have been convicted for a certain offence, and when the case is taken before a superior court, although the judge may come to the conclusion that no such offence was committed, yet if he thinks that another offence has been committed, then the conviction stands good.

HON. MR. GOWAN—It is not so, and I think it will be perfectly safe to leave it to the judges to determine whether the information and the depositions disclose an offence committed of the character charged. That is, I think, the fair construction of this clause. With regard to enlarging the powers of justices, I can assure my hon. friend that it does not do so; it merely enlarges the powers of judges to deal with matters which magistrates have passed upon.

HON. SIR ALEX. CAMPBELL—This 2nd clause is intended to meet a case of this kind; where a man is brought up before a magistrate and the conviction misstates the offence, or states it short so as not to make all the facts plain, then it is intended that although the conviction has come short of giving a full statement of the offence, yet if an offence has been committed over which the magistrate has jurisdiction, it shall not be incumbent on the court to quash the conviction. That does not seem unreasonable. The court will have more knowledge and better opportunities of judging of these matters, and will be composed of men with all the responsibility of lawyers imposed upon them. If they find that the conviction comes short of stating the offence accurately, but also find that the offence has been committed, it shall not be incumbent upon them to quash the conviction because of defective form.

HON. MR. LACOSTE—The clause is open to the interpretation which I have mentioned.

HON. MR. GOWAN—I do not think that any court would give that construction to it. They would have regard to the information and depositions, and so construe it as to have reference to the offence committed, but there can be no objection to amending the clause so that it shall be more definite.

HON. MR. SCOTT—We are simply bringing the legislation up to the level of the existing law in other cases. We authorize the judges of the higher courts to make the widest possible amendments.

HON. SIR ALEX. CAMPBELL—If the construction put upon this clause by the hon. member from DeLorimier is correct, then we are going beyond what is given to any court.

HON. MR. SCOTT—This question of quashing convictions goes before judges of the higher courts who are entrusted with trials at assizes and circuits. If you will look at the Procedure Act of 1869, you will see that very large powers are given to those judges to make the indictment suit the evidence—very much wider powers than we are proposing to give the judges here. The whole question is whether a prisoner would really be prejudiced by this clause. I cannot see that he would, and I cannot see why we should not give to the judge the same powers that we give in cases of much greater consequence. He will necessarily be guided by the spirit of the legislation, which is that the defendant in the case must have thoroughly appreciated the nature of the charge. A judge would not put a man in the false position of allowing him to be convicted of a charge that he had not the opportunity of answering. The judge simply sees that the conviction is not outside of the charge. It seems to me that it is quite in line with the ordinary powers of the courts.

HON. SIR ALEX. CAMPBELL—Supposing there are two offences committed, one destroying a shrub and another committing an assault. Should we use language which would enable a judge to say that a conviction was good for one offence when the other offence was the one that was really committed? The judge might hold that the evidence was not sufficient to establish the destruction

of the shrub, and he might find him guilty of assault. That is the suggestion of the hon. gentleman from DeLorimier, and he proposes to amend the language so that it shall read "satisfied that the offence &c., or "a kindred offence." Although I have the greatest reliance on the judges, I do not think it is advisable to pass legislation which looks as if we allowed a magistrate to try a man for one offence and commit him for another.

Hon. Mr. POWER—I do not think the clause is open to the objection suggested by the hon. member from DeLorimier, because the judge has to be satisfied by a "perusal of the depositions," and the depositions will show what offence was committed. If the justice who tried the case is ignorant, and, for instance, says that destroying a shrub is larceny, although the magistrate makes that gross blunder in naming the offence, if the judge thinks it is clear from the depositions that the offence was committed, the mistake in naming the offence should not be allowed to prevent the punishment of the guilty party. I think that the wording of the Bill as it stands is better than it would be if it were amended as has been suggested. The judge will gather from the depositions what the character of the offence is.

Hon. Sir ALEX. CAMPBELL—Suppose we say "satisfied that an offence of the character specified in the depositions is committed."

Hon. Mr. GOWAN—If the Minister of Justice will read the clause as a whole he will see that no amendment of the kind is necessary. It is enacted that no conviction shall be invalid because of informality or insufficiency provided the judge, on perusal of the depositions, is satisfied that an offence has been committed. The words "an offence" are put there for the purpose of limiting the cases to those coming within the criminal law. Very frequently cases partake of civil injury rather than crime, and if they are mere civil injuries they cannot come under the Summary Trials Act. I do not think that a judge could substitute one offence for the other. "An offence" means an offence punishable by a magistrate, and how can the judge satisfy himself on perusal of the depositions without being confined to the particular offence narrated therein? I cannot think that there is any danger such as has been suggested, and I should like very much to have the clause retained as it is.

Hon. Sir ALEX. CAMPBELL—If you use the words which I have suggested it would remove the objection which has been urged by the hon. member from DeLorimier, and prevent a man being committed for an offence altogether distinct from that with which he is charged.

Hon. Mr. SCOTT—I think the words should be "of the nature described."

Hon. Sir ALEX. CAMPBELL—That phrase would meet the idea of the hon. member from DeLorimier.

Hon. Mr. LACOSTE—Suppose a prisoner were brought before a magistrate accused of assault, and convicted upon that charge, and the conviction were brought before a higher tribunal; and suppose the judge came to the conclusion that there was no evidence to prove that an assault has been committed, but at the same time that there was a breach of the peace, under the clause as it is the conviction could be maintained. That seems to me to be unreasonable. Perhaps a judge would not apply the law in that way, but there is an ambiguity in the clause as it stands.

The clause was amended, by inserting the words "of the nature therein described," and adopted.

Hon. Mr. GOWAN—On the 5th clause I have heard from some of the judges, and Justice Osler entirely approves of it. It is doing nothing more than has been done by the Statutes of Ontario.

Hon. Mr. LACOSTE—By the wording of this clause it would apply to actions for damages against magistrates.

Hon. Mr. SCOTT—Yes.

Hon. Mr LACOSTE—That is a civil right, and I do not know that we have a

right to say that a judge may prevent a civil action being taken. It seems to me that that is going too far.

HON. MR. GOWAN—He cannot compel parties, under the existing law, to accept that condition. This clause enables him to make it part and parcel of his order. The judges in Toronto approve of it.

HON SIR ALEX. CAMPBELL—This does not impose the condition at all, but if a person does not want his civil right interfered with, he need not accept the order. The judge will say "I will quash the conviction but you must undertake not to bring an action."

HON. MR. LACOSTE—If a man has been wrongly condemned by the magistrate, and the higher court so decides, it is too bad that the judge should be allowed to say "I will not quash the conviction unless you forego the right you have under the common law." Under the law of the Province of Quebec we have recourse against any man who has injured us through malice, and this law applies to magistrates as well as to others. Now, the decision of the higher tribunal would be this: "if you do not renounce your right of action against the magistrate, I will not quash the conviction although it is bad."

HON. MR. GOWAN—We must suppose that the judge would not make that order unless it was a slight mistake. If the magistrate acted corruptly or maliciously such an order would not be made. But where the magistrate makes a slight mistake without any criminal intent it would be certainly harsh to set aside the proceedings and make the conviction void without protecting the magistrate in some way. I know that some of the judges most experienced in the matter are very favorable to this clause.

HON. MR. SCOTT—It is only optional with the judge. If he thinks the magistrate acted from an improper motive he would not make that condition, but if he thought the magistrate acted *bona fide* he would. Surely we can trust the judges.

HON. SIR. ALEX. CAMPBELL—I have no objection to trust the judges, but it seems rather odd that a man, in order to get what he is intitled to, should be required to give up his right. The man has two rights at present, one to quash the conviction if it is wrong, and the other to bring a civil action. To get the conviction quashed he would be obliged to give up his right to bring a civil action.

HON. MR. SCOTT—Not necessarily.

HON. SIR ALEX. CAMPBELL—Yes, because the judge would say "I will not quash the conviction unless you do."

HON. MR. SCOTT—But it is optional with the judge.

HON. SIR ALEX. CAMPBELL—It can do no harm to let the clause stand and consider it at any rate.

The clause was allowed to stand.

On the 6th clause,

HON. MR. GOWAN—This clause is almost in the terms of a statute of George II., which has been held over and over again to be in force in this country. It is introduced here to bring it under the notice of magistrates, because they are not always aware that the statute is in force. One or two judges have written to me suggesting the introduction of one or two words in the clause, to enable a party to find one surety where he could not get two sureties. Another suggestion is, to introduce in the 28th line the words, "the writ of certiorari," in order to make it clear that it applies to the writ of certiorari. Another change suggested by one of the judges is, to insert in the 30th line, after the word "and," "if ordered so to do" I do not know that it is absolutely necessary, but Justice Osler, who is perhaps one of the most experienced judges dealing with these matters, suggested it, and it is not a very important point.

HON. MR. KAULBACH—It seems to me that in this clause we are certainly giving large powers to magistrates. We require a security of $200, and that is interfering with justice.

HON. MR. GOWAN—That is already provided by statute.

HON. MR. KAULBACH—The amount is too large, and I think it should be left to the discretion of the court to whom the application is made for certiorari, to fix the security, otherwise many a man who has a good case for appeal would be denied justice.

HON. MR. GOWAN—The amount is already fixed by the statute to which I have referred, and in case it is deemed expedient to reduce the amount of the security, I have provided a clause to substitute for the 6th section. If there is any serious modification made it would be necessary to say that the statute to which I have referred is no longer in force, otherwise it might be contended that the two Acts were in force. Then in the 30th line I propose to add the words "if ordered to do so." I must say that I cannot see the force of it, but a very experienced judge who has had a great deal to do with those cases thought it desirable.

The amendments were agreed to.

HON. MR. POWER—Before we leave the 6th clause I would suggest to my hon friend that he should make an amendment in the direction indicated by the hon. member from Lunenburg. I do not see any reason why the sum of $200 should be fixed as the security. It might be a very inconvenient sum for the person convicted, if he was a very poor man, to give security for, and I think it is a matter that might be left to the discretion of the judges.

HON. MR. PLUMB—I think the suggestion of my hon. friend from Halifax is a good one. Many of those cases are of a petty nature, and they almost always involve small sums, and it seems quite out of proportion to require that a bond of $200 should be given in all cases. I do not see how my hon. friend makes "$200" the translation of "£50" in the Statute of George II. I think $200 might be stated as the highest sum required as security and the amount might otherwise be left to the discretion of the judges. It may be just as great a trouble and misfortune to a poor man to have a matter of that kind to dispose of, as it would be to another man to have a case involving ten times as much, and it is to protect that kind of a litigant that I think the suggestion of my hon. friend should be adopted. I know something of the tyranny of irresponsible parties who sometimes hold positions as justices of the peace. The magistrates of England are an entirely different class of men from those who hold commissions of the peace in this country, many of whom are not trained in law and are deficient in education, and I should be very sorry indeed to have any case of mine in the hands of some of the individuals who hold those commissions.

HON. MR. KAULBACH—As my hon. friend has remarked, it would be an absolute deprivation of justice in most cases if the $200 bond was absolute. In Nova Scotia the penalty is generally left to the discretion of the judges. I think it should be left entirely to the discretion of the court to which the application is made, and if the party cannot get the sureties, that he should be allowed to make a deposit of money.

HON. MR. FLINT—I think it should be left to the judge to decide, and we should limit it so that it shall not exceed $200.

HON. MR. LACOSTE—In the Province of Quebec the Imperial Statute referred to by the hon. gentleman from Barrie, is not in force. We obtain a writ of certiorari by merely making a motion supported by affidavit. This motion is served upon the magistrate, and the magistrate appears before a judge's court, and can make an oral objection if he choose, against the granting of the motion. The clause might be amended by adding that the judge may in certain cases oblige a party to give security without binding the judge to take security in every case.

HON. MR. GOWAN—I was under the impression that the Statute of George II was in force in Lower Canada, and I asked Mr. Wicksteed whether by the adoption of the English Criminal Law, as I had always understood, that was not adopted with it.

HON. MR. LACOSTE—We have special legislation in Quebec, and I say that statute is not in force in that province; it is regulated by the code of civil procedure.

HON. MR. GOWAN—Civil procedure could not touch criminal matters.

HON. MR. LACOSTE—No, but it applies to all convictions before magistrates.

HON. MR. GOWAN—There may be a difficulty in getting the order in the first place from the judge to fix the amount of security. It involves a considerable amount of extra trouble and expense, and I think it would be better to reduce it at once to half the sum—to have a fixed sum rather than have to make an application.

HON. MR. KAULBACH—Let it be an amount in the discretion of the judge.

HON. MR. POWER—I think the better way is to insert instead of the words "$200," the words "such sum as to such court shall seem proper."

HON. SIR ALEX. CAMPBELL—Then it would involve the necessity of going before the full court. If we said "such sum as to such judge may seem fit," and the counsel might argue that his client was poor and he would hope the amount his honor would fix would be small.

HON. MR. OGILVIE—Do I understand that the extreme amount to be demanded is $200?

HON. SIR ALEX. CAMPBELL—As the clause now is that is the amount.

HON. MR. OGILVIE—That is what I object to, because there are certain cases where $200 would be a great deal too little, while in other cases $20 would be too much.

HON. SIR ALEX. CAMPBELL—It would be better to strike out the limit altogether.

HON. MR. OGILVIE—That is exactly what I was coming to, to strike out the limit, because I have known many cases myself in which a $200 security would be an absurd limit.

HON. MR. GOWAN—Would this meet the views of hon. gentlemen, to provide that it shall be a sum not exceeding $100?

HON. GENTLEMEN—No, no, no!

HON. SIR ALEX. CAMPBELL—The sum to be left to the discretion of the court or judge.

HON. MR. GOWAN—Then it would read in this way "in a sum to be fixed by the court or judge."

The amendment was agreed to.

The remaining clauses were adopted without debate.

HON. MR. GOWAN—As these amendments have been agreed to it may be necessary to adopt as a new section a clause to the effect that the statute of George II is no longer in force.

HON. SIR ALEX. CAMPBELL—It is not necessary to repeal the Imperial Act. If we enact a provision contrary to an Imperial statute the latter ceases to be the law.

HON. MR. GOWAN—It can do no possible harm, and will help the Consolidating Act.

HON. SIR ALEX. CAMPBELL—We have been enacting every now and then for the last twenty years provisions contrary to some Imperial Statute, and have not considered it necessary to repeal the Imperial Act. The new law supersedes it.

HON. MR. LACOSTE—Can we repeal an Imperial Act?

HON. SIR ALEX. CAMPBELL—No, but we can make a new provision with respect to it.

HON. MR. POWER suggested that the question of a repealing clause should be allowed to stand until the next sitting of the Committee.

HON. MR. GOWAN—I would like to introduce as a 10th clause a provision for enlarging the appeals. In some very remote parts of the country it is almost impossible to make out the papers within the time that the law requires, and the clause which I propose has been submitted to the Minister of Justice and to the Law Clerk of the Senate. It is to extend the time to ten and fourteen days —that is fourteen days before the court, and ten days for the notice of appeal instead of six days.

The clause was agreed to.

HON. MR. PAQUET, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again on Monday.

The motion was agreed to,

BILLS INTRODUCED.

Bill (48) "An Act to authorize the Royal Canadian Insurance Company to reduce its capital stock, and for other purposes." (Mr. Ryan.)

Bill (50) "An Act to incorporate the Fredericton and St. Mary's Railway Bridge Company." (Mr. Wark.)

Bill (60) "An Act to incorporate the Synod of the Evangelical Lutheran Church of Canada." (Mr. McClelan.)

Bill (78) "An Act to incorporate the Alberta and Athabaska Railway Co." (Mr. Vidal.)

Bill (101) "An Act to amend the law respecting bridges, booms, and other works constructed over or in navigable waters under the authority of Provincial Acts." (Mr. Macfarlane.)

Bill (108) "An Act to amend the Act 45 Vic., Cap. 17, to encourage the construction of dry docks." (Sir Alex. Campbell.)

Bill (102) "An Act to amend the Acts respecting the Department of the Secretary of State." (Sir Alex. Campbell.)

INSOLVENT BANKS AND TRADING CORPORATIONS BILL.

SECOND READING.

HON. MR. SCOTT moved the 2nd reading of Bill (N) "An Act to further amend 'An Act respectiag Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations.'"

He said: This Bill is intended to apply a principle that is usually to be found in all Acts relating to bankruptcies and insolvencies, of allowing clerks and other persons in the employ of such companies their full salaries or wages for a period not exceeding three months prior to the insolvency. No provision of that kind is inserted in the law for winding up those corporations, and it seems only reasonable and just that those clerks and employes should be given this right. It also provides that if the term of engagement is unfinished, they may draw two months of the unexpired terms and that they be allowed to perform the service for the liquidator or other party who may be appointed to wind up the insolvent institution.

HON. SIR ALEX. CAMPBELL—Has any case come under the hon. gentleman's notice where such a provision is necessary? It seems a small matter to require a special Act of Parliament.

HON. MR. SCOTT—Yes, I understand there have been such cases where it is thought a great hardship that clerks and employes should receive only a dividend. This Bill is placing the employes of such companies on the same level as persons in ordinary cases of insolvency.

HON. MR. POWER—There was an Act last year which amended the Act of 1882. I have not the Act before me just now, but I presume my hon. friend will not object to allowing this Bill to extend to cases under last year's Act. I happen to know one aggravated case where a number of employes, to whom large sums are due, are without any remedy.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 9:35 p.m.

THE SENATE.

Ottawa, Wednesday, April 9th, 1885.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

COMMUNICATION WITH PRINCE EDWARD ISLAND.

INQUIRY.

HON. MR. HOWLAN rose to ask the Government whether after due consideration they will be prepared to recommend a survey to be made between Capes Traverse in Prince Edward Island and Tormentine in New Brunswick, with a view of building a subway or tunnel between the said points, so as to make a "continuous communication" with the said Island in accordance with one of the terms of union with the Dominion of Canada?

He said:—For some time past—I may say ever since Prince Edward Island became part and parcel of the Dominion of Canada—the question of winter navigation between that Island and the mainland has occupied the attention of many minds. The Government from time to time have provided what they believed to be a sufficient answer to that portion of the terms which were made with Prince Edward Island, but it is a fact which I need not go outside of this Senate to establish, that there has been a great deal of dissatisfaction with regard to how that particular service has been performed. It may be surprising to some gentlemen that I should take up the time of the Senate in bringing this matter before it, as it may perhaps be considered a subject affecting specially Prince Edward Island, but it is to the Senate of Canada that the smaller provinces must look to have their rights protected and the agreements made between them and the Dominion carried out. It is to the Senate of Canada that they have to apply, in the first place, as the great bulwark of their rights and privileges. I am aware, at the outset, that I stand in a very difficult position because of the smallness of the population of the province from which I come. I am aware that I am standing in a Parliament composed of representatives from every section of the Dominion, and that the larger provinces of Ontario and Quebec have such a large unit, if I may use the term, in this Parliament, that one coming from a smaller province is disadvantageously situated. If, for instance, New Brunswick, Nova Scotia, and Prince Edward Island were federated into one province, with their population and their intelligence they would possess more influence in this great Confederation than they do at present. I do not say for a moment that this subject will not receive the consideration from the gentlemen representing the larger provinces that its importance deserves, but it must be apparent to everyone who has held a seat in this Parliament ever since the union, as it has been apparent to myself, that if a union had taken place between the Maritime provinces we would be in a better position to promote our interests here.

HON. SIR ALEX. CAMPBELL—It is not too late yet.

HON. MR. HOWLAN—I am glad to hear the hon. gentleman say so, and I hope his reply to my question will be in accordance with what he has just said. When Prince Edward Island gave up her constitution she had been in the enjoyment of constitutional government for 100 years. During that period I do not think, speaking from a governmental standpoint, that she had anything to complain of with regard to her executive powers in managing the affairs of her own people. For a long time she stood aloof from the Confederation—from 1867 to 1872-73—and one of the principal reasons was that certain ideas, views and opinions which the people of the province entertained with regard to giving up their individuality and self government was that very question of communication with the mainland in winter and summer. When the terms of union were made this question was fully discussed in all its bearings not only at that particular time but in the future, and the gentlemen who made those terms, amongst whom I had the honor to be one, particularly provided for efficient steam communication between the province and the mainland summer and winter. Before I go any further I will read the exact words contained in those terms:

"Efficient steam service for the conveyance of mails and passengers to be established and maintained between the Island and the Dominion, winter and summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion." It is a notorious fact that that has not been done. The Government may say in answer thereto that many plans and propositions were made, that difficulties arose and that differences existed perhaps between the Island members themselves, as also with regard to the most intelligent way of carrying out those particular terms. Be that as it may, and let those differences have what bearing they may on this question, it is a notorious fact, beyond doubt, that those terms have not been fulfilled as fulfilment was expected at the time they were made. The first step towards carrying out the terms of union was made by the selection of the "Northern Light." That vessel, as is well known, was not specially built for this service, but happened to be at the time on the stocks at Quebec, and, having been designed for contention with the ice in the River St. Lawrence, it was thought she would perform the work which she was called upon to do. She was purchased at a cost of $60,736.79.

HON. MR. PLUMB—Who bought her?

HON. MR. HOWLAN—The Mackenzie Government. The working expenses up to 30th June, 1884, exclusive of her earnings, amounted to $177,849.92, or about an average of $15,000 a year. Time wore on in that way with different communications between the Government of Prince Edward Island and the Government of the Dominion, until 1882, three years ago, when a special committee was appointed by the House of Commons to investigate and report upon this particular subject, and to receive information from those best enabled to give it—in fact, to use parliamentary parlance—they were empowered to send for persons, papers and records. That committee recommended that a new steamer should be built in place of the "Northern Light," and that two other steamers should be built to run between Cape Tormentine and Cape Traverse. The reason why it was suggested to build another vessel like the "Northern Light" was, that Capt. Finlayson, who gave his testimony before the Committee, said that the "Northern Light," in his opinion, from the character of the service she had to perform, would be useless after two or three more years' service. All this, as hon. gentlemen will see, will necessarily lead to a much larger expenditure than that on the "Northern Light." The "Northern Light" cost $60,000, and to build one double her tonnage would involve an expenditure of about $150,000. With the increased cost of the vessel would come increased cost of maintenance and also the cost of two steamers between the Capes. But even after all that, after building another vessel to take the place of the "Northern Light," granting that the new vessel would be more successful than the "Northern Light," and granting that the two small tug boats between the Capes would perform to a very great extent the service assigned to them, it is yet beyond a doubt, that to have complete communication, winter and summer, between Prince Edward Island and the mainland, it is necessary to have some other mode than that given to us by sailing craft or steamers. The question goes without dispute. I propose, as I shall presently show you, a means of communication which will give access every day, summer and winter. We are paying $15,000 a year for the "Northern Light," and $10,000 a year for the two small boats; that would be $25,000 a year for that particular service. Many plans have been suggested with regard to getting over this particular difficulty. Some have said that a tunnel would be the best; others that a bridge should be built; and after paying some attention to this subject, I take up the tunnel question to see what would be the necessary outlay required to construct the tunnel, then with regard to the bridge, and then the course which I propose. In looking at the matter of tunnels, I find, looking at the Globe Encyclopædia, page 334, the following:—

Mont Cenis Tunnel, which pierces Le Grand Vallon, 15 miles south west of Mont Cenis, was commenced in 1857 and opened as a junction between the Railways of Savoy and Piedmont in 1871. The northern entrance, 3,801 feet above sea level, is situated near Modane, and the southern 4,236 feet above sea level at Bardonneche. The dimensions of the tunnel are:

Length, 7½ miles; greatest width, over 26 feet, height at Modane end 24½ feet and 11 inches more at southern extremity. The gradient rises to the centre on the French side 1 in 45 and on the Italian side 1 in 2,000. The tunnel is one mile beneath the summit of the mountain. The Mont Cenis tunnel is straight, lined throughout with brick, and the total cost was £167.12.0 per yard.

St. Gothard Tunnel, commenced in the autumn of 1872, now in progress through the mountain of that name, will, when completed, be 9¼ miles long.

The Hoosac Tunnel in Massachusetts, the longest in the U. S., was commenced in 1856, and after several suspensions was completed in 1874. It is 4¾ miles in length, is lined with masonry, and cost about £180 per yard.

A tunnel 4½ miles to connect the Bristol and S. Wales Railways is at present being driven under the Severn.—the crowning enterprise in tunneling will be the Channel Tunnel which it is proposed to drive from the South Foreland in Kent to a point near Calais in France to join the railway system of England with that of the Continent.

The Box Tunnel on the Great Western Railway between Chippenham and Bath is 3,200 yards long; width, 30 feet; height above rails, 24½ feet. It has 7 shafts brick lined, the deepest being 300 feet.

Woodhead Tunnel near Manchester is the longest in Great Britain, and measures 3 miles and 26 feet. Since its construction a second tunnel has been driven through parallel to it.

Kelsby Tunnel on the London and N. W. Railway measures 2,398 yards and 27 feet by 23½ feet in section. A quicksand was encountered in driving the heading, causing delay and greatly increased expense. The total cost was £125 per lineal yard.

Netherton Tunnel on a branch of the Birmingham Canal is 3,036 yards in length; section 27 by 24 ft., cost only £50.0.0 per lineal yard. Cost of the tunnel alone £89.5.0, and with canal and side walls, £45.5.0 per yard.

The Thames Tunnel under the Thames at Rotherhithe was commenced in 1825 from designs by Sir I. K. Brunel, and after several irruptions of the river completed and opened as a public footway in 1843. It has a double passage 400 yds long, and is now used as a railway tunnel. The cost of construction was £1137 per yard.

The London Metropolitan Underground Railway also furnishes a remarkable example of tunneling on an extended scale.

But all these achievements pale before the Great Alpine Tunnels.

There have been several tunnels built at a small expense through material somewhat similar to that which will be found at the bottom of the Straits. I give those figures so as to satisfy the minds of hon. gentlemen who believe that a tunnel would be better under the circumstances. I take this from Simms' Practical Tunneling. He gives an account of all the tunnels that were built at the time of the publication of his work in 1875. I find that the cheapest tunnel is that from Loch Katrine to supply the Glasgow waterworks. Its length is 2,325 feet, and it cost only £10 sterling per yard. It runs through old red sandstone, but it is not lined. I find that the cheapest lined tunnel is £38. That is what is called the Lindal enlargement. I turn from that to see what a tunnel would cost for our Island, or whether it would be preferable to have a bridge, as some gentlemen have suggested, in preference to anything else. I addressed a letter to Mr. Vernon Smith, a well known engineer, to whom I am indebted for many favors, a gentleman well known for his engineering skill and capacity, both in this country and in Great Britain, having been a pupil of the great Robert Stephenson, and asked him for information on this subject. His reply is as follows:

PROPOSED SCHEME FOR CROSSING NORTHUMBERLAND STRAIT, AS COMPARED WITH EITHER A BRIDGE OR TUNNEL.

1st—Tunnel. The shortest distance across the strait is 8½ miles, and the deepest water, which is near the middle or, say 4 miles from the nearest end, is about 90 feet. The bottom is sand for a few feet and then it is believed to be the soft sandstone rock of the upper carboniferous formation. In this material and with the probability that the loose sand is the deepest where the water is the deepest, and the surface of the bottom the lowest, it would not be prudent to put the top of the tunnel less than 45 feet from the lowest soundings, say 140 feet below low water in the middle. Nor would it be prudent to put the shaft at either side at less than 1,000 feet from the usual water level, or about ¼ of a mile from the low water line, making the distance between the shafts on either shore 9 miles, or say 47,500 feet. To drain the tunnel it would need to be put down on a grade of at least 1 in 400, making the shafts 60 feet at least, lower than the middle or highest part of the tunnel, and if we assume that the shafts are only 25 feet above low water mark on the shore where they would be sunk, their depth would be 225 feet, up which every gallon of water and ton of excavated material would have to be lifted.

Such a tunnel, under favorable circumstances, could be driven and properly lined for $100 per foot forward, at all events for the greater part of the distance, and ought to progress at each end, say 10 feet per day, working 24 hours, at which rate the tunnel proper could be completed in something less than 8

years. Assuming the same gradient to be employed 1 in 50, from the bottom of the shaft at either end to the railways connecting the tunnel with the main line, the 225 feet of the depth of the shaft would require over two miles of tunnel at either end, say 11,250 feet, making the total length of the tunnel from the outer end of these approaches, 70,000 feet, or over 13 miles, and its cost, at $100 per foot, $7,000,000, besides the fixed plant, shafts, pumping and ventilating machinery. Tunnels in similar material have been driven for less than this sum, but not where the depth is so great, and where the quantity of water has to be dealt with, that would undoubtedly be found in this stratification, and with 8 miles of water within a few feet over head, and it is doubtful whether this tunnel could be contracted for at that price.

Another serious item in all tunnel work is the ventilation, and the difficulties on this head increase in an alarming ratio as the length increases. In this case there is no ventilation to be obtained in the nine miles of distance between the shafts, so that special and expensive arrangements would have to be made, not only for the prosecution of the works, but for the safe and efficient operation of them afterwards. A tunnel seems, therefore, apart from its great expense, a dangerous and not a feasible means of overcoming the difficulty.

With the last remark I quite agree—that to come to this Parliament and ask consideration of any scheme like that, would, in my opinion, be out of the question. He next proceeds to give the cost of a bridge. A bridge, however, would be such a complete stop to navigation that I do not think I will weary the House with the details.

Hon. Mr. BOTSFORD—What is his estimate of the cost?

Hon. Mr. HOWLAN—His estimate of the cost is about $11,000,000, and it would take a very long time to build it, and the difficulty would be that the unfinished portions each year would be damaged to a great extent, so that I need not weary the House with the details of such a project. The tunnel is entirely beside the question, and in my judgment it is outside of what is called practical politics. We come now to the consideration of subways which, in England, are taking the place of tunnels, and I may be asked what a subway means. A subway is a cylinder of wrought iron which may be any diameter—8, 10, or up to 15 feet—15 feet is the largest wrought iron cylinder subway that has yet been constructed in England or Scotland. The Tower Hill tunnel under the Thames is one, and there is a subway from Scotland Yard across the Thames into Middlesex, the same diameter of cylinder, 300 feet long, wrought iron and filled around with concrete to sustain the weight of the earth and traffic on top. It is laid down at a depth of 45 feet from the surface.

Hon. Mr. HAYTHORNE—Can my hon. friend state to the House the dimensions of that cylinder? Is it used for foot passengers only or for horses and carriages?

Hon. Mr. HOWLAN—It is the same size as the subway I propose—15 feet. One subway has the 3 feet 6 gauge track that we have in Prince Edward Island, and the other has got the 4 feet 8½ gauge track. I notice that before the Imperial Parliament at the present time there are several Bills for the incorporation of subway companies. I quote from *Engineering* December 5th, 1884, in which I find under the heading of "Private Bill Legislation," that the number of projects for which plans have been deposited at the Private Bill Office, is 199, of which 74 are for railways, 21 for tramways, 59 miscellaneous, including subways, and 45 for works for which provisional orders will be sought. The following descriptions are given of some of the proposed subways for which the promoters are seeking to obtain charters from the Imperial Parliament:—

The Central London Subway, to construct which a company is to be incorporated, is evidently, as are many others afterwards to be referred to, a result of the success of the City and Southwark scheme of last session, for which powers were granted to construct between the Elephant and Castle and King William Street, city a subway consisting of two lines of brick or iron tubes 10 feet in diameter, along which a frequent succession of vehicles resembling tram cars were to be drawn by cable traction on the Hallidie system. The present scheme is the construction of two lines of similar tubes between King's Cross and Charing Cross. Commencing at Liverpool Street, they pass along the south side of the Euston Road, but inside property, to Gower Street Station. Thence they turn to the south and are carried down Gower Street and Bloomsbury. Thence they take the course of the new street already described as far as St. Martin's Place, from which point to their termination opposite Craig's

Court existing streets are followed. A short spur near Mabledon Place permits of a depot being formed clear of the subway. The total length is about two miles. The maximum depth below the surface is about 40 feet. The gauge is to be 3ft. 6in., and during the construction of the works, temporary openings may be made in the streets.

The working of the subways is to be on the above mentioned cable traction system, or by some other means. other than steam locomotives, which may be sanctioned by the intended Act or by the Board of Trade.

The remaining rival scheme is also independently promoted and is called the King's Cross, Charing Cross and Waterloo Subway. It commences within the property of the London and South-Western Railway Company, on the north-west side of Waterloo Station, at a point about a chain south-east of York Road, opposite Vine street; it traverses that street and College street, then crosses the Thames to Northumberland Avenue, along which it is taken to Charing Cross; thence it is carried under St. Martin's Lane, Long Acre, Little Queen street, Theobald's Road and Gray's Inn Road, and terminates at the north-west corner of Liverpool street, near King's Cross Station. The works consist of two tunnels, each about 2¾ miles in length, and 10 feet in diameter, in some place laid alongside, in others one is above the other. The greatest depth is at the Thames crossing, where the tubes are 72 feet below high water; elsewhere the depth is about 60 feet below the surface of the ground. The maximum gradient is 1 in 17, and the gauge is to be 4 feet 8½ inches. Land, apparently for station purposes, is taken at the commencement and the termination of the line, and at Hemming's Row, Drury Lane, Little Queen street, and at the corner of Gray's Inn Road and Theobald's Road. Powers are also to be taken to enable the Great Northern, Midland, Metropolitan and South-Western Railway Companies to enter into agreement for the construction, maintenance and working of the subway, the latter of which is to be, as described in the preceding case, by cable traction or other means excluding steam locomotives.

The improvement of the communication between the city and west end is also proposed to be obtained by the construction of subways similar to those last executed from Hyde Park to the Royal Exchange by an independent company; the scheme is called the Marble Arch, Regent Circus and City Subway. Commencing opposite the Marble Arch, it traverses Oxford street for its whole length, Holborn (avoiding the viaduct by making a detour along Charterhouse street and Snow hill), Newgate street, the Poultry, and terminates in Cornhill, opposite the centre of the Royal Exchange. The length is about 3¼ miles; the subway is formed of two tunnels 10 feet in diameter, laid as described in the preceding scheme; the greatest depths are 70 feet, 67 feet, and 62 feet; the maximum gradient is 1 in 20. Land, apparently for station purprses, is included at Regent Circus, Totenham Court road, Southampton row, Great Turnstile, Farringdon street, St. Paul's Churchyard, and at the commencement and termination.

The gauge is to be 4 ft. 8½ in., and the working is to be as mentioned in the description of the London Central Subway, and similar clauses, with the exception of that relating to easement and that relating to property, are to be inserted in the Bill.

Another independent company is to be formed for the purpose of constructing the Islington (Angel) and City subway, which commences opposite that tavern in the city-road, is carried along the latter for its whole length, and thence along Finsbury Pavement and Moorgate-street, and terminates at Lothbury. The length is about 1¾ miles, and it is formed by two tunnels 10 feet in diameter, laid as before described; the maximum depth is 48 feet below the surface. Stations will probably be placed at Macclesfield street, Nelson street, Old street, and Ropemaker street, and at the "Angel" and the bank. The gauge is to be as mentioned in the description of the London Central Subway, and clauses similar to those in the last described scheme are to be inserted in the Bill.

The only subway or railway scheme relating to the south side of the metropolis proper is that called the Clapham and city subway, which is proposed to be an independent extension of the authorized city and southwark subway before alluded to, along the Kennington and Clapham roads to Clapham common, a distance of 2¾ miles. The tunnels, two in number and 10 feet in diameter, are to be laid as described in the three last mentioned schemes, the greatest depth being 56 feet. The gauge and method of working are also the same as in those schemes. Powers are to be taken to enable the city and Southwark Subway Company to construct or work the proposed subways. Stations will be placed at Clapham Common, South Lambeth road, South Island place, Kennington road and lower Kennington lane.

The editor describes other projects of the kind, and I have only read those to show to the House that this subway is no new project; that it has been tried before, although not upon as long a reach as I propose to adapt it to. It may strike some hon. gentleman as a new feature in engineering; but if we were to stop at all new features, the world would retrograde. We boast, with some degree of truth, that there is no portion of the world in which civilization is so rapidly extending, and in which science has been so successfully brought into operation to remove physical difficulties in the way of engineering as in Canada. It has just occurred to me that

building houses of brick is not more than 200 years old. If my memory is correct the Earl of Arundel was the first to build a brick house, about 200 years ago, and he was looked upon as taking a step in advance. But in this Dominion of which we are so proud, we can admire the grandeur of nature which is stamped on every hand. Look at those massive buildings we occupy, perched on the mountain walls of the fair Ottawa River! Look at the influence of such gems of architectural beauty on the Church architecture of this city, as well as its many handsome private mansions. Look at the railway bridge, and the Suspension bridge across the Chaudiere Falls; the gigantic lumber industries which greet one's eye at the city of Hull, where is heard the "hum" of the busy wheels of one great branch of our commercial industry. Go farther down the St. Lawrence to the wealthy city of Montreal, and there you behold one of the grandest works of the age in the Victoria Bridge, which spans that noble river; and then think of the magnitude of the Canadian Pacific Railway enterprise, now so near completion, and one's mind becomes impregnated with large ideas, which find a quiet resting place in the contemplation of out great canals. I have asked myself many times when contemplating those great triumphs of the age, whether our winter navigation might not be improved, and I do think that my present proposal will intelligently meet this difficulty. But if this mode of establishing communication under the Severn and Thames has been a success there, there is no reason why it cannot be done over this four or five mile stretch between Prince Edward Island and the mainland. What I propose then is to build a subway between Capes Tormentine and Traverse, utilizing the wharves and approaches that are now proposed to be built at both capes, only making them longer. The Dominion Government have built a short branch from the Prince Edward Island Railway to Cape Traverse, and at Cape Traverse they have reported in favor of building some 2,100 feet of pier extending out into ten or twelve feet of water. It is also proposed to build a pier in conjunction with the Prince Edward Island and Cape Tormentine Railway, at Cape Tormentine. That pier will reach out from the shore some 2,100 feet. I propose to extend those two piers. For instance I propose to go out on the New Brunswick side 10,000 feet. That would be nearly two miles. It would be about 8,000 feet of an extention on the New Brunswick side further than is now proposed.

HON. MR. KAULBACH—How much water would that give you?

HON. MR. HOWLAN—That would give about thirty feet. The reason I make it thirty feet is that vessels on going through the straits do not draw generally more than about twenty-eight feet, and that would leave the subway low enough to avoid any possible obstruction to vessels. On the Prince Edward Island side I propose to extend the pier 2,000 feet, to the same depth of water. This would leave the gap to be filled by subway, of between four and five miles. I have provided for five miles, as there is some difficulty about the charts, one authority calling it eight miles, and another seven and a-half miles, Bayfield calls it seven nautical miles. The iron cylinder would be fifteen feet in diameter.

Not being an engineer myself I applied to Mr. Vernon Smith and asked him to give me his report upon that particular question, and as he is an authority upon the matter I had better read you what he says:

"In reply to your letter of the 10th inst. asking for some information respecting the cost and feasibility of a subway under the Northumberland Straits, I have examined the charts and other sources of information in the Department of Marine and have constructed from them the accompanying profile of the sub-aqueous surface of the ground which is probably sufficiently correct for the present preliminary estimate. The bottom of the Straits is marked in the charts "sand and gravel," but Mr. Ells of the Geological Survey who has examined the locality, is of opinion that the covering of sand and gravel is no great depth, and that it is generally the soft sandstone rock of the carboniferous formation for a considerable distance vertically, of the same general rocks as the Island itself, the Straits being a denudation of the upper and softer portions.

"The shortest distance across the Straits and apparently the best route for the communication proposed, is that now followed by the ice boats from Cape Traverse to the cove north of Cape Tormentine across the Jourimain Shoals on the New Brunswick side. The

total distance is roughly 8¼ miles, and the deepest water is 90 feet, which occurs about 4 miles from the New Brunswick shore extending probably for half a mile; it shoals gradually and regularly from this to the Island, at about 20 feet to the mile, and for about a mile at the same gradient on the New Brunswick side. It then rises abruptly 40 to 50 feet in half a mile, and then shoals at a low angle over the Jourimain Flats to the Cape Tomentine shore. The distance between the 6 fathom lines on either side is about 5 miles, and between the 4 fathom lines about 6 miles, whilst ½ a mile on the Island side, and 1¼ miles on the west shore is not over 12 feet in depth at low water. The tide runs with no great velocity, probably 2 knots an hour, and the tides round the north and south ends of the Island meet off the Tryon shoals, only 4 knots from the proposed crossing. The rise of tide is 6 feet at the spring and 3 at neaps, and averages about 5 feet, which I have marked in the profile by the dotted black line for low and the full blue line for high water. This appears to vary somewhat according to the direction of the wind, and in certain conditions of the weather the rate of the tidal flow and the height of the tides varies widely from the normal condition.

"There appears to be very little reliable information about the ice, but from all I can gather there is nothing below—say 10 feet, to damage the works, and even the worst accumulation is generally broken up and loosely piled together, very annoying undoubtedly for navigation, but not, as a rule, dangerously destructive to a fairly substantial bridge or wharf structure. The fact that the submarine cable has been so little damaged with such a long expanse of shoal water is tolerably good evidence that the ice is not so dangerous as might be supposed, with the quantity that undoubtedly accumulates every winter. Although the Straits are navigable for any sized vessel, it does not appear to be very much frequented by the largest class, and I have assumed that a clear depth of 25 feet at the abutments would be sufficiently deep to be safe from a vessel striking the top of the subway. As this dips at the rate of 1 foot in 50 at the New Brunswick side, and probably 1 in 200 at the Island side, there is ample water at a short distance from either end of the subway, and as the total space is 5 miles the proposed works form no obstruction to ordinary navigation.

"Taking therefore the 6 fathom line as the face of the two abutments, between which the subway proper extends, there is a distance of 5 miles, or more exactly of 25,200 feet, as shewn by the charts to provide for, and this I would propose to cover by an iron and cement tube to be lowered in lengths from the surface and joined together below the water, resting either on the bottom direct or supported upon concrete blocks at distances of about 150 feet apart. As this tube is the important feature in the scheme, it may be well to describe it more minutely. The outer shell or case is of wrought iron boiler work, ⅜ of an inch in thickness, 15 feet in diameter, rivetted together in the ordinary manner, and weighing 800 lbs. to the running foot. The tubes would be put together on the shore in lengths of about 300 feet, which fitted with temporary ends would be floated to the spot where they were required and then sunk. When complete there would be inside this casing a ring of concrete 2½ feet in thickness, leaving an opening through the tube of 10 feet in internal diameter. The strength of this concrete being ample to carry all the strains of the traffic and the water, should from any cause the outer iron casing ever be removed, being when finished a solid monolith of stone impervious to water, strong enough to carry any weight that can be placed within it, and heavy enough to withstand any upward or sideway strain that ice or anything else could bring against it.

"Concrete as a material for building, and especially under water, has not received the attention on this side of the Atlantic that it deserves, and has not been made use of to the same extent that European and especially French engineers have employed it. The Pont Napoleon, a bridge carrying a double track railway across the Seine, with clear spans of 115 feet, is simply a block of cement of no greater thickness than would be usually allowed for first-class masonry. The Pont d'Alma, also carrying a railway, has arches varying in span from 126 feet to 141 feet in the clear, entirely of cement and less than 5 feet in thickness in the centre of the span. Nor is the use of cement where strength and tenacity is an object, at all a modern application, the dome of the Pantheon at Rome nearly 2,000 years since, was built of this material entirely, it was 142 feet in diameter and had no artificial or external support excepting its own strength to withstand the thrust of the arch, whilst the dome of St. Paul's in London, under precisely similar circumstances, has an enormous chain round the base to resist the strains due to the shape of the dome. As a material under water, or for bad foundations, it is now regarded as almost a necessity, and the huge dock at Toulon rests on a bad water soaked foundation one great monolith of cement. The material therefore of which these tubes would be constructed is perfectly reliable, and if they once get into their place no ordinary catastrophe will destroy their strength or utility, they will be as strong and durable as a tunnel under the solid ground, and they will be free from the filtration of water which finds it way through the best of brick or stone linings. The totalweight of a 300 feet length of such a tube, with a 2½ feet cement lining, would be about 4,750,000 lbs., or 2,375 tons, and its displacement would be approximately 3,300,000 lbs, or 1,650 tons of water, so that its weight in water would be something over 2 tons to the foot forward or 725 tons altogether, besides this the weight of rails roadbed and ballast would bring up the total weight of the tube in

water to about 3⅛ tons per running foot as a resistance to any lateral or vertical displacement. In practice the tubes would be when launched only partially lined with cement, and would be floated to the point where they were to be sunk with a ring of 18 inches of cement only. The weight of the tube would then be in round numbers 1,620 tons, and it would require an additional weight of 30 tons to sink it. This would be added by an ordinary set of water ballast bags, a line of which 24 inches in diameter would sink the tube and at the same time keep it from turning out of the position intended to be the bottom. These bags in communication with a steam pump on the sinking barges would enable the tube to be raised, lowered or handled in the water as easily as a very much less weight by any other mechanical arrangement on the land. The ends of the two tubes would have a spigot and faucet arrangement slightly tapering and the socket end lined with wood, on the method usually adopted to keep the screw propellers water tight in the stern of a vessel. When the end of the following tube was once entered into the taper end of the one previously fixed, the opening of a valve in the false end of the one already in position would bring the whole hydraulic pressure due to the displacement of the tube to force it into its position, and make a perfectly tight joint. The subsequent ring of cement after the two false ends were removed would make this portion of the tube just as strong and watertight and reliable as any other portion, whilst the subsequent ring of one foot in thickness through the whole of both tubes would make one homogenous mass of the tube from end to end.

"The deepest part of the strait as before mentioned occurs about four miles from the New Brunswick shore, and one and one-half miles from the New Brunswick abutment. At this point it would be necessary to sink a pumping and ventilating shaft, and from this towards both shores the tubes would be laid so that all the water would run to this common receptacle from which it would be pumped up to the surface, and by this would the workmen find access to their work for fixing and lining the tubes. Whether it would be necessary to retain this as a ventilating shaft after the work is complete may be left to subsequent experience, but I think it will be found necessary for ventilating purposes, and perhaps occasionally for pumping, as more or less water may find its way down the slopes from the two ends, and of course in case of an accident it would be essential to have it maintained in a permanent working condition. The sinking and arrangement of this vertical tube would be nothing more than is usual in such works as the Forth and other places where cylinders and caissons are being largely used as fonndations in masonry and bridges. It would be cement-lined like the tubes, and to exclude the water percolating through the porous rock foundation, the bottom length would be formed of solid concrete. It would also need to be enlarged considerably in diameter at the base, as the rock there will in all probability be but very slightly covered with loose material, to give sufficient stability to a structure so high, and exposed at the top to constant and sometimes excessive strains. This shaft would also contain the pumping and ventilating machinery, and be the point from which the laying of the tubes in either direction would commence."

In looking at my model a great many gentlemen who have paid some attention to this subject thought that the central shaft was a weak point, that the ice floating up and down the strait would destroy it—in fact that it was the weakest part of the project. That being the case, I had a conversation with a very eminent engineer to whom I explained the difficulty. He said that it could be remedied—that by running out some 600 feet or more on the New Brunswick shore we can get 38 feet of water where the pumping gear can be put and the ventilating shaft can be constructed by altering the gradient coming from the New Brunswick side. As proposed on the plan here, the gradient would be about 1 in 50, starting from the Prince Edward Island side, and running down to 1 in 1,000, and then rising 1 in 50 on the New Brunswick side, so that the water would be all running that way. We would be able to put the pumping machinery and ventilating shaft on the New Brunswick side, thus relieving the project of one of the greatest difficulties that surround it. I am not an engineer, and I do not presume to say that the statements which I make are absolutely correct, but I have the statement of Mr. Vernon Smith, who has the reputation of being a first class engineer, who made those plans.

HON. MR. KAULBACH—What is the maximum current?

HON. MR. HOWLAN—I will come to that directly. Mr. Smith continues:—

The abutments at each end would consist primarily of a 40 feet diameter caisson sunk to the bottom and lined with concrete. In this would be rivetted at the proper angle, a section of tube corresponding to the main tube, and projecting beyond the abutment for a distance of 3 feet, so as to form a socket for the tubes from it in either direction, the depth of this tube at the straits end at either abutment would be 25 feet clear from low water, and the connecting tube in the abutment

would be at an angle of 1 in 50. At a point 500 feet from this outer caisson, but 300 feet from the centre line of the tube and consequently shewing 400 feet longitudinally of the plan, would be sunk two caissons each 15 feet in diameter, and of course 600 feet apart across the tube, and between each of these caissons, and the large outer caisson would be a wharf 10 feet wide of wrought iron filled with cement blocks. These three caissons with the intervening wharves would thus shew an enormous triangle 500 feet long on each of the sloping seaward sides and 600 feet wide at the base, which when filled up with earth would form a structure strong enough to resist any ice that is likely to occur in the Northumberland strait. Through this mass the tubes would be laid supported by cement blocks, and at the shore end of this structure they would be 17 feet only below low-water. At a distance of 1000 feet back of this a second structure 1400 feet in length, 60 feet wide and strengthened at its outer end by a T piece 400 feet long and 100 feet wide would support the end of the tube as it emerged from the water, and form at the same time a wharf where vessels could load and discharge their cargoes for the accommodation of which sidings from the railway on either side would be provided. Between this wharf and the outer abutment, the tube rising at a gradient of 1 in 50 would be protected by a series of iron piles 5 feet in diameter in pairs between which it would be supported. In this 1000 feet the tube rising at the 1 in 50 gradient, would be above low-water 3 feet at the top, and 12 feet below it at the bottom, a roadway, supported by the wrought iron piles being over the top of it and protecting it from injury from vessels. At a distance of 200 feet from the outer end of the wharf the tube would cease to be a closed tunnel, the sides being carried up vertically and being open at the top, a wall 5 feet in height around this open part protecting the traffic passing to and fro on the wharf from falling into the space thus left. At 100 feet from the inner end of the wharf, the rails being now 6 feet above high-water the wall and wrought iron structure would cease, and the communication with the shore forward being by a bridge or embankment as may subsequently be determined.

The only point remaining to refer to is the support for the tube along the bottom of the straits. It is difficult to form an estimate of the quantities in these as each one might vary in height and some may require dredging. It is reasonable to suppose that for a large proportion of the distance the tube will rest nearly upon the bottom. In this case if the bottom is of sand likely to be washed or undermined, it will be necessary to sink whenever the supports are necessary what the French call "mattrasses," which consist of a tarpaulin bag about a foot in thickness, ten feet wide, and perhaps twenty long, filled with concrete, and laid upon the surface of the sand. In a couple of hours this will set taking the shape of the tube, and for ever afterwards be a slab of stone, the sand under which will never be disturbed. Near the Island abutment some dredging will be necessary, and in the channel thus dredged the sand itself will soon form all the support necessary. At other places where the tube is some distance from the bottom, and probably near to the pumping shaft, piers from four to fifteen feet may be necessary. Each of these would consist of a cement block, probably eight feet wide and twenty feet long across the line of the tube, with the top hollowed out the proper shape to receive and retain it. These piers in most cases could be got into position before the tube was sunk. In other cases they might be left till the tube was in place, a wood or iron box the shape of the intended piece being placed under it after it was in position, and these filled with concrete from the surface, the material being simply shovelled from the floor of the barge into a wooden or canvas spout so as to reach its final resting place without having its cementing material washed out by the water in passing loosely through it. With respect to the material for this concrete, I would suggest using only the best Portland cement without the admixture of any lime whatever, similar to what the French engineers call "beton," to one measure of which two of clean sand, and from three to four measures of broken limestone rock, such as Mr. Ells tells me can be procured from Cape Tormentine, might be mixed. This would be sufficient for the abutments and piers. For the linings of the tubes I would suggest two of sand and two of gravel, or limestone spalls; but the exact proportions should be determined by experiment when the quality of the sand, gravel and limestone would be exactly tested. In any case the materials should be incorporated, and thoroughly mixed by machinery and used quite fresh.

Before I read the cost of it, I will read to you a statement of Mr. Smith of the time it would take to build and complete it. Speaking of the comparison between a bridge and a tunnel and a subway, I have already read what he said about a tunnel. The bridge I do not think it necessary to trouble the House with. He says :—

In one respect the proposed structure would have a singular advantage over either of its competitors, each portion as finished would be of use, would mitigate the difficulties and objections of the passage, and reduce the length of inconvenient or dangerous transit. Whatever was commenced each season would be finished before the season ended and would reduce for the next winter the labor and difficulty of the passage. For instance, supposing for the first season it were determined to finish the New Brunswick abutment and to connect this by bridge with the shore, there is nothing to prevent this being accomplished within the

season, and the next winter the usual ice boats would have two miles of bad passage less to make and the railways at either end would be so much the nearer. Another season a similar work at the Island end would narrow the Straits to five miles and make the passage that much better and nearer. The same season, or another, the completion of the ventilating shaft and its connection with the New Brunswick side would bring this to about three miles, and this last gap could easily be completed within the space of one season. The operations of rivetting up the tubes and their preparation is work necessarily done under cover, and may be proceeding all winter. It is the most tedious process of the lot, requires the most time, and would be best done by continuous labor winter and summer. The first layer of cement would take probably a fortnight to put into the tubes, and they would be the better of another fortnight drying and setting before being put into the water. In a month from commencing the cement, which I think should not be begun before the 1st of May, the tubes would be ready for sinking, and by that time the winter's ice would be disappearing. There would be about 90 of these tubes across the Straits, each 300 feet long, and after everything was in working order each tube ought certainly to be put down, made watertight and secured within the 24 hours. If three per week, or half this performance, were put down this portion of the work would occupy 30 weeks, and at this rate of progress it would not be necessary to have two sets of plant for this purpose, and the whole could be laid from one end, and by one party, if the work were in other respects ready to receive it. These tubes would all actually be laid from the ventilating shaft in the middle, and in practice probably those to the New Brunswick shore would be all that could be undertaken during one season. But there would be nothing to prevent the whole work being completed in two working seasons, an advantage over either a continuous bridge or a tunnel that should not be lost sight of.

That is his opinion with regard to construction. Now with regard to the cost he says :—

The following estimate of cost is necessarily only an approximation as no surveys have yet been made, and the nature of the difficulties to be encountered are in some cases unknown. But I assume that in a work of this magnitude the best plant will be used and everything be done on the best and most economical system.

Tubes—$\frac{3}{8}$ plates, about 800 lbs to foot forward, say at 3 cents per lb, equals per foot		$24 00
Concrete—10 feet inside diam. 15 outside=ring of $2\frac{1}{2}$ feet thick, area 98,275 super feet=11 cubic yards per yard in depth=3.67 c. yds. per foot @ $6.00		22 00
Launching and sinking		4 00
Makes total per foot forward.		$50 00
Total length of tube, including abutment 29,000 feet, from station 105 to 395, $50.00 per foot		$1,450,000 00
Central caisson—Iron 154,000 lbs	$4,620 00	
Concrete 850 yards @ $6.00	5,100 00	
Sinking	2,280 00	
		12,000 00
Abutment—Iron in one 40 foot and two 15 feet caissons, with iron wharf between, 185,000 lbs	5,550 00	
Concette—600 yards	3,600 00	
Sinking and sundries	850 00	
		10,000 00
Abutment — Opposite side		10,000 00
Wharf—Iron, 120,000 lbs	3,600 00	
Concrete, 400 yards	2,400 00	
Earth filling and rock	20,000 00	
Crib work and filling	4,000 00	
Iron piles and supports for tubes	8,000 00	
Sundries	2,000 00	
		40,000 00
Wharf at other end		40,000 00
Iron piling 2,000 feet between abutments and wharves, say 20 pair piles, with cement filling complete		20,000 00
Concrete piers to support tube, say 140 altogether @ $1,000 each		140,000 00
Plant—launching ways shops, steamers and tools generally		150,000 00
Permanent pumping plant		18,000 00
Contingencies, 10 p. c.		190,000 00
		$2,080,000 00

HON. MR. KAULBACH—What are the piers or wharves to be built of?

HON. MR. HOWLAN—The bridges are to be built of wood and the wharves of iron filled with concrete.

HON. MR. KAULBACH — Trestle works?

HON. MR. HOWLAN—No, a solid pier of wood. The first thing that

strikes a practical man is ⅜-inch iron might not rust out, and if it rusted out whether it would not destroy the whole affair. Having that contingency in view, I wrote to Mr. Smith asking his opinion on the subject, and I will read his reply :—

In reference to the protection of the outside iron plates of the tubes proposed for the Northumberland Straits sub-way, there are a number of paints and protective coverings in use, any of which last for a long time in salt water, and some of them as the Torbay mineral, the Silicate Oxide, and Bell's preparation of Asbestos claim to be indestructible, and certainly these all seem to fulfil the purpose intended. Iron steam vessels so protected have been running for 25 or 30 years, such as the Great Eeastern, which has never been docked since she was launched, and so far seem none the worse for their long immersion in salt water, so that there is no doubt that the well known preparations already before the public will protect any of these iron structures.

A second consideration is that it is by no means proved that salt water does so utterly destroy ordinary wrought iron as to make it useless for a protection to a cement backing, and when honey-combings or even a hole eaten through it would be a matter of perfect indifference. Long before any important change of this kind can have taken place, the internal dampness of the cement will have partially oxidyzed the iron in contact with it, and the chemical incorporation of this iron oxide with the cement produces one of the hardest and most indestructible materials in existence, the iron cement used for joining together the flanges of cast-iron pipes. The cylinders upon which Hungerford bridge rests crossing the Thames are of precisely the same construction as here proposed: a thin wrought iron skin, backed with Portland cement concrete. Any protecting coverings or paint must have been rubbed off within a very short time of their being placed in position from the warping of ropes round them, and the working of barges and boats against them. They have now been in their places for a quarter of a century, exposed to the terrible weight of one of the busiest railways in the world, and carrying four lines of railway across them close to a busy London terminus. It is of course as impossible to repaint these tubes as it will be those under Northumberland Straits, but it is apparently as perfect as it ever was and no symptoms of dissolution or destruction are visible. The same thing is observable in pontoons and wharves both on the Thames and Mersey, and in fact after a certain amount of oxydation has taken place, the very film of rust itself seems to act as a preservative against further decay.

"A third and still more important consider ation in connection with the Northumberland Straits structures and especially in the submerged tubes is that no permanent dependence is placed upon this outer skin at all. It is essential in the construction of the work, it is necessary as a protection during the process of sinking and fixing, and for the jointing of the tubes, and it is necessary to protect from washing or injury the softer portions of the cement during the chemical changes which transform the soft mass of concrete into the dense compact stone which it ultimately becomes. This chemical change is slow in its operation, and takes probably twelve months to thoroughly complete, but after this has taken place the iron skin is no longer essential, and as I remarked before in my previous letter, if entirely moved it would not destroy the solid mass of stone that would then be left. The Thames tunnel built fifty years since by the elder Brunel is so near the bed of the river that subsequent dredging and deepening has left it all but exposed directly to the water and there is no doubt that in many places the salt water has now direct contact with it, and exerts its pressure immediately upon it. Yet it stands without any iron skin at all as a protection, and carries one of the busiest railways on the metropolitan system. On the same railway another structure of brick work and cement carries the traffic under the St. Catherines docks, where there is scarcely six feet between the bottom of the water and the top of the tunnel, without any protection whatever but the cement and concrete of which it is constructed. In both these cases the bricks used are an inferior material to the indurated limestone and granite rock that it is proposed to use in this concrete, which are impervious to water, and not liable to retain or transmit it. In both the Thames tunnel and the St. Catherines dock work, there has been no difficulty or leakage and neither of them have required any repairs since they were completed. As I stated in my previous letter, if your subway is once finished to the strength and with the material proposed it will never give any further trouble, whether the iron is rusted away or not.

I think that puts the danger of rust altogether outside of the question. It was necessary to get the facts as several gentlemen like myself thought it might be a serious obstacle. The next difficulty was to ascertain whether the bed of the strait was of such a nature that it could be dredged or a tunnel could be successfully laid in it. The first thing to be ascertained was whether the bed of the strait was sufficient to lay the pipes in, and whether the ice would endanger the works. I shall now attempt to address myself to those two points of the subject. First with regard to the bed of the strait; I find the soundings given by Bayfield's charts of the straits on a straight line

drawn between Cape Tormentine and Cape Traverse to be thus—commencing at Prince Edward Island it is given in fathoms to Cape Tormentine, and the shape is like a saucer. Commencing at Cape Traverse the depths are 2, 3, 6, 7, 8, 10, 14, 8, 6, 4, and 2 fathoms to the shore again; so that the deepest water across the straits is 14 fathoms, a little under 90 feet. That is for about three-quarters of a mile. Bayfield, in his book on sailing directions for the Gulf of St. Lawrence, says that "the bottom is of sand with clay underneath," whilst Captain Phillips giving his testimony before engineer McLeod says it "is a stiff clay." Captain Arthur Irving says that the bottom is mud and sand. F. H. Gisborn, Esq., the Superintendant of Telegraphs, who has had a great deal of experience in laying down telegraph cables there, says it is "sand all the way across, with some reefs of rock on the New Brunswick side at Jourimain." Judging from this information there can be no difficulty in laying the tube in this clay or sand in such a manner as not to foul ships' anchors or to interfere with such ships as frequent the straits, as the tube will be submerged 28 feet in the water, so that the first objection is satisfactorily answered. We now come to consider the second objection—would the ice currents interfere with the piers, ventilating tower and pumping apparatus? Now, we find that the ventilating towers can be placed on both sides and I need not answer that question. It was an objection raised by several gentlemen and we made up our minds to remove it from the centre of the strait towards the New Brunswick shore. In the report before alluded to of engineer McLeod, who was sent down by the Government and spent the summer there watching the tides and getting all the information he could, he says: "The currents were traced and measured for several days, but at that time they did not exceed a mile per hour. Captain Bayfield and others give a velocity of three miles, and the ice with high winds is said to pass at the rate of four miles per hour. Captain Philip Irving says it is about three knots per hour." There is a curious fact about this tide that Captain Bayfield gives in his book of sailing directions which would nullify to a great extent the whole current. It appears there are two tides; there is a tide coming from Canso eastward, and a tide running from the north part of Prince Edward Island from the westward. They meet somewhere about four miles from Cape Traverse and a vessel coming up from Canso might come with the current and get the flood tide on the other side and have the flood tide all the way through. There is a curious circumstance connected with this matter. I find that for a long period vessels were forbidden to enter the straits at all. I will just read what Captain Bayfield says with regard to the directions of tidal streams:

> The direction of the tidal streams corresponds generally, and in fine weather, with the progress of the tide-wave, but is disturbed occasionally by strong winds. The eastern flood stream enters the strait from the north-east, running at the rate of 2½ knots round the east point of Prince Edward Island, but is much weaker in the offing and over towards the southern shore. It runs round Cape Bear, and with an increasing rate along the land to the westward; is strongest in the deep water near the land, and runs at its extreme rate of 3 knots, close past the Indian Rocks and Riflemen Reef.
>
> Losing strength as it proceeds further to the north-west, it is quite a weak stream when it meets the other flood stream off the Tryon Shoals.
>
> This eastern flood stream is not so strong along the southern or Nova Scotian shore, unless it be in Caribou Channel, for a short space near Caribou Reef; and it is weak, not generally exceeding ½ a knot in the middle of the strait.
>
> The other or western flood stream comes from the northward, along the west coast of Prince Edward Island, sweeping round the West Point and running strongest in the deep water near the West Reef, where its rate is 2½ knots. Over towards the New Brunswick shore its rate seldom exceeds 1½ knots, and this is its average rate as it pursues its course to the south-east, until we arrive near Cape Tormentine, where the strongest part of the stream runs near the Jouramain Shoals, and thence to the southward, round and over the dangerous Tormentine Reefs with a great ripple, and at the rate of 3 knots.
>
> After passing these reefs part of it curves round to the south west, with decreasing strength, and unites with the other flood stream in the Bay Verte, whilst the remainder is lost in the central part of the strait. The ebb stream, generally speaking, pursues a contrary course to the flood, and at nearly the same rates.
>
> From this account of the tidal streams, it appears that a fast sailing vessel, under favorable circumstances, might enter the straight

with the flood, and arriving at Cape Tormentine soon after high water, might there take the ebb, and thus have the stream with her, with but slight interruption from one end of the strait to the other. Or, a vessel beating with the flood, might so time her arrival at the same point as to be able to continue her voyage in the same direction with the ebb.

So I do not think the tide would interfere with it; but on the ice question Capt. Irving said before the Commission of 1883, when asked how long he was connected with Cape Traverse, "I commenced when 16 years of age and have worked for 42 years." When before the commissioners, at page 39 of the report of 1883, he was examined as follows by the Chairman :—

Q. Yesterday you said that the general thickness of the ice was about six inches there?

A. Yes, this winter.

Q. That is not the general thickness?

A. No; I would think from a foot to fifteen inches would be the average thickness of it in an ordinary winter.

That is a reply to the question which the hon. member from Lunenburg put. The ice is from a foot to 15 inches thick in an ordinary winter; and the current runs from a minimum of one mile to a maximum of four miles. Now I do not think any difficulty would be experienced from the currents; I do not think there would be any difficulty with regard to the ice, and therefore on these two points the project is perfectly safe. At the north side of the Island, at Tignish, there is a breakwater situated, as any one can see by looking at the map, in a manner very similar to that which would be built in this case at Cape Tormentine. The breakwater at Tignish is exposed to the whole force of the Gulf, while the other breakwater would be exposed to only nine miles of strait, three and a-half miles of which is shallow water. The breakwater at Tignish has stood for years and has not been damaged by ice, so I think the question of danger from ice is not to be considered. I have said that the cost of this tunnel would be about $2,000,000. I do not think any hon. gentleman has a right to bring a proposition of this kind before any legislative body without being able to show that it can be to a certain extent self-sustaining. I do not expect on this occasion that the Minister of Justice will give any other answer to my inquiry, but the stereotyped one. I am prepared to be laughed at a good deal about this project as I was when I spoke of a railway on the island, but after a good deal of thought I consider it is the only solution of the difficulty of communication at all seasons with Prince Edward Island. All I care to ask from the Government is that they will consider the question, and by that I mean that they will refer the question to some one of the eminent engineers we have in this country. We have in Canada the man who built the Hoosac tunnel, Mr. Walter Shanly, who is an eminent engineer, and we have others whose names I need not now refer to. There is an engineer who occupies a distinguished position in this particular branch of engineering, Sir Fredrick Bramwell, who is now chief engineer of the contemplated tunnel from Kent to Calais. He has had experience in constructing works of this kind. He was in Montreal last summer as chairman of Section G. of the British Association. I say submit all those plans and estimates to him; I think it is the least the Government can do in this matter. It would be to them, at all events, and myself and other gentlemen who think this matter should be met in an intelligent way, a source of satisfaction and gratification because it is well known at the present time the Legislature of Prince Edward Island have forwarded a memorial to the Queen, stating that the terms of union have not been carried out. Without passing an opinion as to whether it is just or unjust, I may say it necessarily leads to trouble and irritation, and it would not be in the interest of the Dominion to have irritation in any part of it. "Only about 120 thousand people," I hear an hon. gentleman say. Yes, but I tell him they are, taken as a whole, the most intelligent and the best educated people, not only in this Dominion, but on this continent. The House will perhaps better understand this when I tell hon. gentlemen that we have on that Island 428 schools and 2 colleges, with 484 teachers. Of the teachers, 264 are men and 220 women; that the whole school population of the Island is estimated at 22,500, whilst those actually enrolled in the Public Schools number 21,488, the difference to which may be added the pupils attending schools not under Government control, which will

show that every boy and girl in that Island of fit age is an attendant at school. Mr. Montgomery, the Superintendent of our schools, in a recent report says: "Of the pupils in attendance at the first and second-class schools last year, 441 studied Latin, 15 Greek, 510 French (exclusive of those studying French in third-class and acadian districts), 405 Algebra, 402 Geometry, and 298 Chemistry and Philosophy." It may be as well to remark here that such a population as this do not usually sleep on their rights. Now, with reference to the cost of the work, it would be $2,000,000, the interest on which would be $80,000 a year, capitalized at 4%. How am I going to get $80,000 a year by this work? It is a very pertinent question, and I ask the leader of the Government to pay particular attention to this matter, because I wish to show how the money is to be made up. I have already stated that the expenditures on the Prince Edward Island Railway exceed the revenue by about $100,000 a year. There is not much loss in the summer. It is only in the winter season. There is the same expense in running the road in winter, and there is less traffic. I contend that this improved means of communication with the mainland, with trains passing between the Island and the mainland four times a day throughout the year—you would cross in 25 minutes—would soon have the effect of wiping out that deficit of $100,000 a year. At all events, half of it would disappear. I do not see any reason why the whole of it should not be wiped out. We have 200 miles of railway on the Island, and there are as many people to the square mile in that Province as in Nova Scotia or New Brunswick. There is no reason why the carriage of freight and passengers over that line should not make it self-sustaining. It would relieve the Government in that way, and if they bought the 35 miles from Sackville to Cape Tormentine they would have control of the whole of the railway traffic in that part of the Dominion. It is a statement that cannot be controverted that by this means the deficiency in the operation of the Prince Edward Island Railway would be reduced 50 per cent.

For mail service at the present time we pay to the Prince Edward Island Steam Navigation Company per year.....	$10,000 00
Maintenance of 'Northern Light.'	15,000 00
Interest on her cost, @ 4%.....	2,400 00
Depreciation per year, supposing her to last but three years longer, as per Pilot Finlayson's report.....	4,000 00
Amount paid at present is	$31,400 00
And it is proposed to put on another ship at Georgetown to assist the "Northern Light" which will cost no less than her, say.....	21,400 00
Allow one-half for two tug boats to be used at the Capes.....	10,700 00
The present cost of the mail service between the Capes in winter as paid by the P. O. Dept. here is about.....	3,000 00
And you have in round numbers	$66,500 00
If you add to this, say a saving of fifty per cent. in earnings of the Prince Edward Railway, which I do not consider to be an unfair estimate, about.....	50,000 00
We have a sum of.....	$116,500 00
Deduct the interest on $2,000,000.00 @ 4%, the cost of my subway	80,000 00
And you leave a margin of.....	$36,500 00

For profit and loss account.

To my mind this undertaking would be the first step towards consolidating the Maritime provinces and in my judgment, after an experience of ten or twelve years in this Chamber, I believe it would confer lasting advantages on them. Looking from another standpoint Mr. Ketchum, in his pamphlet on the construction of the Baie Verte Ship Railway and Canal—

HON. MR. POWER—Hear, hear!

HON. MR. HOWLAN—My hon. friend says "hear, hear." The statistics are not mine. They are furnished by gentlemen for whom he has the highest respect, gentlemen who, he believes, as I believe would not furnish information that he they did not believe to be correct. The figures are furnished by Mr. J. C. Hall, who did a large business at Charlottetown, Hon. J. C. Pope, C. Burpee, M.P., U. Elder, M. P. P., and Hon. J. S. Carvell. Here are the facts and figures as given by this pamphlet. I find that he estimates the amount of freight passing from

Prince Edward Island to the mainland at 50,000 tons of agricultural products alone. If that quantity passes from Prince Edward Island at present, its volume would not be lessened but would be increased if we had this outlet. In my judgment it would increase 50 per cent. There is one portion of the industry of Prince Edward Island which has never been tapped and cannot be tapped on account of want of this communication—that is fresh fish. After due consideration, and after an experience of thirty years in the business myself, and having the experience of others and talking this question over very fully, I believe that 50,000 tons of fresh fish and oysters would come out of that country every year. I do not think therefore that 100,000 tons of freight would be too much to expect, and it would make it self-supporting.

HON. MR. KAULBACH—What kind?

HON. MR. HOWLAN—Smelt, herrings, eels, shad, bass mackerel and oysters. You would have all these. They are now building a bridge across the St. John river. And with this improved communication we would then be within twenty hours of the Boston and twenty-four hours of the New York markets. By this arrangement the fresh fish that are used in this city of Ottawa in winter could be brought from Prince Edward Island. They are now brought from Portland and Boston, much further off. Then there would be no difficulty in establishing manufactories in Prince Edward Island. We might as well have a sugar refinery in Prince Edward Island as in Halifax.

HON. MR. POWER—Hear, hear; we will give you one.

HON. MR. HOWLAN—We would have the facilities to establish boot and shoe and other factories in Prince Edward Island. Then it would be of incalculable benefit to the farmers of Prince Edward Island. We raise large quantities of agricultural products, but we cannot get them to the markets of Boston and New York before June, and when we reach there we find that the market is gone, whereas, if we had this subway built we would have every day communication with the outside world. So far as the question of payment is concerned, I think there would be no difficulty on that point. It would be an outlay that the Government would have a return for in that way. They would be simply taking the money out of one pocket and putting it into the other. That Prince Edward Island railway will always be in debt more or less from the facts which I have mentioned. We use largely on the island coal and limestone, which must be procured from the mainland. If the farmers could procure these supplies in winter they would use more lime upon their land. Looking at it any way you please it would confer great benefit upon the Province of Prince Edward Island. She entered the Union on condition that continuous communication would be established, and has behaved loyally ever since. Even in the unfortunate troubles which have occurred in the North-West, she has shown a loyal spirit, and is willing to-day to send 1,000 men to the west for the protection of Canada. She is bearing her portion of the burden, and I do think, all things considered, that if the Government were to submit all those facts to eminent engineers and order a survey to ascertain that the statements made here are correct then we would be in a position to see what should be done, and whether this subway could be built for the sum mentioned or not. Something should be done. I state this with a full knowledge of the facts, and of the value of the words I am making use of, that if the Government can for $80,000 a year give Prince Edward Island that continuous communication with the mainland which was provided for in the terms of Union, this subway should be built.

Let me say to the Government one word in conclusion. They should approach this question from a national standpoint, may I say from a lofty standpoint of national honor, where that honor has been undoubtedly pledged to the people of that Island, a people who, whilst they value highly their constitutional rights, have borne in dignified patience what they have every right to consider as a great wrong having been done them.

I know there is great irritation amongst our people, and it is a matter of public notoriety which cannot have escaped the eyes of the Government that there is a

strong feeling existent in the Maritime Provinces that they, their rights and their peculiarities have not received that consideration at the hands of this Parliament to which, in their opinion, they were entitled.

I need not say to the hon. gentlemen who compose this House that, using the words of a great statesman, "irration weakens the nation." To meet, to destroy and to set at rest all such carping as this then, let the Government build this work, and leave it in the East as a monument to their wisdom, which will long bear testimony by its connecting link with this continent, their anxiety that all members of this young nation shall believe they are, one and all, the wards of a paternal Government.

I have to thank the House for the patient and kindly hearing they have given my remarks on a subject which, to many, must be a dry one, and I hope some of my hon. friends from the Maritime Provinces will give me the assistance of their voices, at any rate, in furtherance of the project I have advocated.

HON. MR. HAYTHORNE—In my judgment the hon. gentleman who has just resumed his seat has used excellent discretion in handling this question. In the first place, the motion itself has been carefully framed. It is not calculated to pledge the Government to the adoption of any particular course, further than in the first instance, after due consideration, to cause inquiries to be made into this important matter. I think also that my hon. friend is entitled to the greatest credit for the diligence, talent, and research with which he has investigated this subject, and I am the more inclined to give him credit on that score, because I know that the kindred question of approaching the Island by means of a tunnel has generally been treated with a good deal of ridicule. I notice that in the opening part of his address my hon. friend alluded to certain tunneling schemes, and showed, I think, pretty clearly the great additional expense which would be caused by tunneling under the Straits of Northumberland as compared with this project of a subway. He mentions several large undertakings of that kind. One I remember was the box tunnel. That was a work which was undertaken by the younger Brunel. It was part of the Great Western Railway of England—a broad gauge railway—broad gauge in the English sense, and not the American—and it certainly was a prodigious work of its kind—I think about three miles long, and bored for the most part through a stone pretty generally known as Oolite, or Bath stone, not a very hard stone, and very suitable for tunneling purposes. Then he alluded to some of the Alpine tunnels, but in my opinion no land tunnel affords any analogy to a marine tunnel. It is just as well that this subject of tunneling should be set at rest. We have very few instances of tunnels of any considerable length under the sea. The most important one which has been undertaken is that between England and France, and that possesses peculiar advantages, advantages which could perhaps scarcely be found in any other part of the world. Its great feature is that the chalk formation is unbroken underneath that channel, and consequently the tunnel between England and France is through chalk the whole way. Chalk is not only an easy substance to bore through, but it has this advantage that it is a dry substance, and no water is met with in it as long as the chalk is present. I am aware of certain other attempts that have been made to construct submarine tunnels, one particularly under the Severn estuary, which bears a more exact analogy to the case of the Northumberland Strait in this way; the distance although somewhat less is under a strait which is liable to the same objections as the Straits of Northumberland are. I refer to the difficulty of flowing springs. I have here an extract that I made some years ago at the time the tunnel question was under consideration, describing difficulties which had been encountered in the attempt of the Great Western Railway Co. of England to connect its English and Welsh lines by means of a tunnel under the estuary of the Severn —I think about four miles from land to land, and about two and three-quarter miles under the sea; but without troubling the House to read the details of those operations, I may say that the workmen were driven out of that tunnel by tapping one single spring. They were driven out so completely that the men had some dif-

ficulty in escaping with their lives, and the horses were actually drowned. The tapping of that spring retarded the work for several years. It was again undertaken and this spring was mastered ; but more recently some advance had been made, when another such spring was encountered with similar results. I mention these things to show what we should probably meet with if we attempted a tunnel under the Strait of Northumberland. That strait, as we Islanders know perfectly well, is on the old red sandstone formation, and we know from experience that we can always find abundance of water by sinking to a depth of forty or fifty feet or even less. Hon. gentlemen know how extremely difficult it would be under these circumstances to drive a tunnel under the straits, and for these reasons I am rather glad that this project of my hon. friend even if it should result in no other benefit, has by its comparative cheapness and facility of construction put an end to any project for tunneling the Straits of Northumberland. I may say in my judgment there is nothing impracticable in the scheme proposed by the hon. gentleman from Alberton. It seems to me that it is as applicable to our strait as it has proved in many other instances. I might mention that there are difficulties incidental to it which must be met, but we have already in different parts of Canada, and round the shores of the Maritime provinces encountered very great and formidable difficulties in the way of building wharves, and building breakwaters which will stand the power of the wind and waves, and perhaps the still greater pressure of the ice; and therefore I am not one to despair that the adits of this subway can be constructed in such a way that the tube itself shall have a fair starting point into the deep water as described by my hon. friend. Of course I am not a professional man, and do not profess to have studied the question as the hon. gentleman has done, and I am not prepared to offer any general opinions on this question ; but I think quite enough has been stated to warrant the Government in making close and complete inquiry into this important subject. It certainly would have the effect if it could not be carried into operation of putting a satisfactory end to the trouble which has risen as to the fulfilment of the terms of union between Prince Edward Island and the Dominion. It would have a further effect, to which my hon. friend alluded in the latter part of his address—that it would completely revolutionize the industries of Prince Edward Island. Every description of industry there would be still further stimulated. The great objection which has beset our industries hitherto is that they have been suddenly shut down at one particular part of the year, and we might almost say of them that they hybernate for five months until the warmth of May has let loose our bonds ; but we should never, should this plan prove to be practicable and carried into effect, be imprisoned in the future as we have been in the past, and not only would the old industries of the province be stimulated and put on a level with the industries of the other provinces, but I can conceive that quite a large number of new industries—new to us at all events—would be inaugurated. Many industries cannot be even attempted in Prince Edward Island at the present time—industries for which its shores and soils are admirably adapted, and which might become thriving enterprises, not only bringing wealth into the country, but assisting the Government in paying the interest on the large outlay in this proposed undertaking. I allude to the smelt trade, and hon. gentlemen from other parts of the Lower Provinces know what a profitable industry that has become; I allude also to the possibilities of the oyster trade. It is well known that oysters are becoming scarcer and scarcer every year. The oyster beds, for which the coast of Prince Edward Island is perhaps better adapted than any other part of the world, could be made to produce a large supply. It is not a bold assertion to make, because we have it in our daily experience at home that a large proportion of our population are engaged two or three months of every year while we are here attending to our legislative duties, taking out the deposits of decayed oysters which have been deposited there for centuries. What is there to prevent the renewal of those oyster beds? And that alone would become such an important item in the trade of the Island, that I firmly believe the oysters of Prince Edward Island would become as celebrated as any others on the continent. After the long address that has

been made by my hon. friend, I am quite aware that the House must be somewhat weary of this subject, but I think I should be acting an unpatriotic part if I did not give my hon. friend full credit for the great ability and industry he has shown in handling this subject. For my own part I can only say that in debating the question of winter navigation across the straits, in this House of anywhere else, I never took the ground that the Government of Canada should be held to the performance of impossibilities. It seems to me that such language involves an absurdity, and of that absurdity I certainly should not be guilty. I have claimed for my province, and I claim it still, that the best that circumstances will permit to be done should be done to render communication with the mainland easy and safe at all seasons of the year; but my contention, in speaking from my place in this House, and in the memorial which I put in before the committee of the other House has been that although I would not attempt to bind the Dominion Government to the immediate carrying out of those terms of Confederation, which up to the present time have been virtually impossible, yet at the same time if they perform their duty as a Government to the best of their present ability, I still maintain that the improvements in science and navigation might at some future, and perhaps not very remote date, be such that by means of new inventions, or the discovery of greater powers, it might be within their means to literally carry those provisions of the confederation into effect, and it seems to me that this project of my hon. friend's is the dawn of the possibility that I anticipated. I hope it will meet the favorable consideration of the Government, and that it will not be thrown aside as a forgotten and useless thing. I shall await with the greatest interest the reply which I am sure the leader of the Government is prepared to give us, and which I hope will be in all respects favorable.

HON. MR. KAULBACH—When I saw this notice of motion on the order paper I considered it quixotic—a midsummer night's dream. I did not think that a man of my hon. friend's practical ability and common sense would have advanced such a project; but when I heard his arguments and found that they were supported by such a practical and eminent engineer as Mr. Vernon Smith, I thought it worth while to give the subject some attention. I have listened to my hon. friend this afternoon with great interest, and I think he has gone far to take the matter beyond the realms of fancy. I believe that the work can be done, but whether it could be brought within the estimates of my hon. friend, I would not like to admit. It is true that there have been, as he says, in the Clyde and in the Thames and Severn, short tunnels of some half a mile in length; but when we come to cross such a mighty water stretch as the Northumberland Straits, it is a project of quite a different character, and though I believe the Government should by all reasonable means do their utmost to carry out the terms on which Prince Edward Island entered the Union, and establish regular communication with the mainland at all seasons of the year, I hope that while considering this matter, and employing competent engineers to look into it, they will not have their minds diverted from what is due to that province, and neglect the improvements already at their command. No doubt this project would cost a large sum of money, and the interest on it would be $100,000. The railway on the Island is run at a loss of about $100,000 a year, and the mail service costs about $25,000 a year, which is a large subsidy given to Prince Edward Island. That those deficiencies would be in any way reduced by the construction of this tunnel is not quite as clear to my mind as it is to that of my hon. friend. I am not sure that larger crops would be raised in the Island because of the construction of this subway; neither would there be much more fish caught and cured. It would, however, enable the Islanders to keep their produce till the winter when they could get a larger price for it.

HON. MR. HOWLAN—How are you going to ship your fish without it in the winter?

HON. MR. KAULBACH—It might have the effect of over-doing business. We find the lobster business in Nova Scotia is going down in consequence of

over-fishing, Though I looked upon this project at first as absurd, the arguments of my hon. friend have caused me to change my opinion, and I think it is worthy of the favorable consideration of the Government. A survey should be made and estimates prepared by some engineer in whom the Government has confidence, to report to this House.

HON. MR BOTSFORD—I certainly shall not resist the appeal from the hon. member from Prince Edward Island, as he has made a very able statement of a question which at first sight appeared to be a very absurd one; but the more he discussed the subject, and the more information he gave the Senate, the more feasible the project seemed to be. He certainly has given it very great consideration. He has shown great ability in the manner in which he has collected and made use of the information which he has derived from various sources, and if this project is feasible, and the subway can be constructed for the amount of money which has been estimated by the engineer, it would be difficult to estimate the great advantages which not only Prince Edward Island, but the Dominion at large, would derive from such a work. I may say, without expressing an opinion upon it, that the hon, gentleman has shown that it is the duty of the Government to make inquiries with respect to this great work. I offer no opinion about it, but I say I congratulate the hon. gentleman on the very able manner in which he has presented this question for the consideration of the House.

HON. MR. BELLEROSE—Coming from one of the large provinces of the Dominion, I believe that it is expected that the representatives of that province shall say a word on this important question. I believe that the representatives of the people of Quebec have already shown since Confederation that they are always happy to assist the other provinces in anything which they ask for that would be to the benefit of the Dominion at large. In every instance that province, which has generally supported the Conservative Government, has favored all measures which were in the interests of the other provinces, and it is not, I believe, the intention of any of the representatives of the Province of Quebec to depart from that policy now. The Dominion has done much to unite the smaller provinces of the west. The Government has gone to great expense to attain that object. The building of the Pacific Railway was certainly a work which at the beginning many of us in both Houses thought was of such magnitude that it was too much for a population of some four millions, but we have carried that into effect, and without imposing a new burden on the people of this country, we will very soon have a road from ocean to ocean, and that will be in the interest of every province of the Dominion. The only province that will not benefit by it is Prince Edward Island, and I believe that the Dominion ought to do something for that province. Since Prince Edward Island entered the Confederation, I might fairly say that the Government have done their best to carry out the arrangements for winter communication which were entered into at the time that province came into the Union, but there are many difficulties in the way—difficulties which I believe cannot be met except by some great project such as the hon. member from Prince Edward Island alluded to a moment ago. If such a work could be carried out at the expense mentioned by the hon. gentleman, I do not believe that the Dominion ought to hesitate to undertake it. Indeed the hon. gentleman from Prince Edward Island has pretty well shown that even in expending $2,000,000, or even $3,000,000 the Government would not impose a great burden on the Dominion, so that under the circumstances there should be no objection to carry on that work. I know there is a great deal of difficulty in the way. The hon. gentleman himself does not ask that such a project be undertaken; he merely asks that the question be taken into consideration, so that the Government can see whether such a project can be carried out effectively. I only hope that the Government will see their way to assist that province which now stands in a very bad position towards the rest of the Dominion. They helped us in carrying on all the other public works of the country, and it is only right that we should help them in having easy communication with the mainland. Two mil-

lions of dollars is a large sum of money, but we know that if peace is not restored we will expend more than $2,000,000 in the North-West. I hope we will not be put to that expense, but if peace is not restored we will not only expend millions of dollars but will have blood shed there, and not only for months, but possibly for years.

HON. SIR ALEX. CAMPBELL—I hope not.

HON. MR. BELLEROSE—I hope not, but I say if peace is not restored we will have both loss of blood and money. It is well known that this rebellion in the West has not sprung up without some reason. I am one of those who, in 1870, stood up in my place and said that I did not consider that the rebellion at Red River was such a crime as many people thought, and to-day I say the same. I say that according to my principles it is a crime, but there are other crimes also, and the first crime is sometimes worse than the second, because it has been the cause of the second. Well, hon. gentlemen there have been causes—

HON. MR. POWER—I rise to a question of order. I do not say but what the hon. gentleman's remarks may be perfectly proper at another time, but they are not germane to the subject before the House.

HON. MR. BELLEROSE—I will speak to the question of order. I want to show why the population of Prince Edward Island may, some day, think they are not well treated, and as an example of the consequence of ill-treatment I am referring to the troubles in the North-West.

THE SPEAKER—I think the remarks of the hon. gentleman in the sense in which he has made them, may be germane to the discussion; but I am inclined to believe that my hon. friend was going a little too far when he was called to order.

HON. MR. BELLEROSE—In the North-West there are difficulties, and there are reasons for it, and in Prince Edward Island there may be dissatisfaction in the future that may cause trouble—no doubt not such trouble as we are now facing in the North-West, but there may be other trouble and dissatisfaction. I believe that since Confederation we have been endeavoring to unite the whole Dominion as a contented people, and I say that some millions expended to secure that unity of spirit and heart and feeling is something worthy of consideration. In answer to the hon. member from Halifax that hon. gentleman may perhaps remember that Nova Scotia cost us $10,000,000 for peace. He may remember that, so that even if I were to refer to that question now and say that Nova Scotia is entitled to more money, he might not consider it quite out of order, so I say that to have peace with the people of Prince Edward Island, it is worth expending a few hundred thousand dollars. I hope that the Government may see their way to take the proposition of the hon. member from Alberton into favourable consideration, and see whether it can be carried into effect.

HON. MR. WARK—I think the hon. gentleman from Prince Edward Island is to be congratulated on the manner in which he has brought this matter before the attention of the House. I have for some forty years lived within sight of Prince Edward Island, and I have always sympathized with the people of that province in the inconvenience, hardship, and danger that they have to encounter in crossing the Straits in winter. I think it was one of the great drawbacks to the confederation of the Maritime provinces, the difficulty of having communication between the Island and the mainland in winter. If the hon gentleman is correct in the estimates he has made of the expense of this project—even if it were a million dollars more, I think it is well worth the considertion of the Government to give satisfaction to the people of that Island.

HON. MR. OGILVIE—I am delighted to hear from my hon. friend, the hon. member for DeLanaudière, the generous sentiments he has expressed towards Prince Edward Island for this—I cannot tell you what it is—this hybrid article that one cannot find a name for. If there is one thing with which I am perfectly acquainted it is the power of water, for I have made a special study of it for some thirty years. The idea of a structure

such as the hon. gentleman proposes, to contend against the tide and ice of the Straits of Northumberland is so thorougly absurd and ridiculous that I would not like to have it go out of this Chamber without opposition. I have been put to a great deal of trouble to retain a column of nine feet of water. I have been put to an immense deal of trouble to keep back twenty feet of water in a situation of that kind. That is what I intended to speak of first, but I was more than delighted with the quixoti cism of my hon. friend from DeLanaudière who thinks that so much should be done for Prince Edward Island. It is the first time I ever saw him pose as a philanthropist, anxious to please everybody, and aid everything to satisfy the rest of the Dominion. Never mind ourselves hon. gentlemen; let us try to please those other people. He speaks about the millions to be spent in the North-West in this rebellion. I am neither a philosopher nor the son of a philosopher; nor am I a prophet or the son of a prophet, but I will venture one prophecy: I believe there will not be one fight in the North-West. To-day we had reports about the principal trouble being at Crow Foot Crossing, because the Indians did not meet Capt. Cotton there. I was at Crow Foot Crossing last year, and met old Chief Crowfoot there myself. He is a very intelligent, wide-awake, able man, and he and his band know what they are doing just as well as anybody, and I say that the Government were dealing with those Indians as fairly as it was possible to do. I have seen it myself with my own eyes. I have seen the old chief pick up good bacon that any of us would be glad to have on our own table, and pitch it away contemptuously and say "No want that! Want fresh beef!" That is the way the Indians acted. I say that they are well treated, and when I heard my hon. friend from DeLanaudiere express his deep anxiety to please the people of Prince Edward Island I thought a new feeling of benevolence had struck him that I never knew him to be influenced by before, but that is apart from the question. The project submitted to us, when laid before competent hydraulic engineers, will prove to be utterly fallacious. I do not trouble the House very often, but I would object very much to have anything go out from the Senate with our approval that is so utterly ridiculous and absurd as this subway across the Straits of Northumberland. I have had experience with all kinds of water works, and I have seen a six inch hole in a bank carry away a four story building inside of six hours. The thing is perfectly ridiculous, and if it is undertaken $2,000,000 will hardly make a good beginning. No doubt $2,000,000 would begin it, and about $10,000,000 might finish it but certainly nothing less, and I speak advisedly.

HON. MR. FERRIER—I was very much pleased with the manner in which my hon. friend submitted his project to the House, and I am one of those who think that there is no danger of his incurring any of the ridicule which my hon. friend (Mr. Ogilvie) has spoken of in reference to recommending that the Government look into this matter and give it their best attention. I am disposed now, and have been for some years past to get rid of the word "impossible." I cannot understand how we should hesitate to believe a project is feasible when we have seen so many great works accomplished in various parts of the world. My hon. friend from Prince Edward Island has not brought this matter before the House in an inconsiderate manner. I have followed him closely, and I think on the whole he has placed details before the House which are worthy of careful consideration on the part of the Government; because if that tunnel can be constructed for $2,000,000, it will be the best spent money that Parliament has ever voted. I am delighted at having had an opportunity to hear my hon. friend submit his project to the House in a detailed manner. When we were considering the question of Confederation there was the greatest imaginable difference of opinion about the construction of the Intercolonial Railway. On that occasion, as the official report of the Confederation debates will show, I was of the opinion that there was no risk whatever in constructing that road, and I supported my view with the details of of what I knew the railways of the world were doing, and had done. From the manner in which my hon. friend has gone into this question he deserves that every consideration should be extended to him. And we should not reject a scheme of

this kind if it is feasible. To my mind it is quite possible that the project may be worked out in a most satisfactory manner.

I think it would be well if the Government would look into it. We have in our country one of the most eminent engineers on the continent, Mr. Walter Shanly, who so successfully carried to completion the famous Hoosac tunnel, after the American engineers had failed, and if the matter were referred to him he could look into the details of the project, and report as to its feasibility. From my personal knowledge of his ability as an engineer, and his thorough integrity of character, I am confident that the Government could rely on any statement he would make on the subject.

Hon. Mr. POWER—I did not propose to say anything on this subject until the hon. gentleman from DeLanaudière seemed to express on behalf of the Province of Quebec the opinion that we should be quite prepared to spend two or three millions of dollars for this object. And I am somewhat surprised to find that the Nestor of the House to whom we might look for counsels of prudence seems to endorse the view of the hon. gentleman from DeLanaudière. I quite agree with the hon. gentlemen who have spoken who say that the hon. gentleman from Alberton deserves a great deal of credit for the very satisfactory way in which he has put his scheme before the Senate. When that hon. gentleman undertakes to do a thing he does it thoroughly, as he has done in this instance. I think that what the hon. gentleman asked, that the Government should make a survey, is not altogether an unreasonable request. Perhaps before making the survey the Government would do well to have the opinion of some other engineers as to the feasibility of my hon. friend's scheme. Probably an engineer of as good standing as Mr. Vernon Smith would not have endorsed the scheme if it were not practicable; but there are engineers, like Mr. Page for instance, whose opinions would be of great value. The doctrine laid down by the hon. gentleman from DeLanaudière is to my mind a most extraordinary one. He says that because we have been guilty of extravagance in the North-West therefore we should immediately be extravagant in the south-east. Now, I think too much money has been spent in the North-West and in a great many other quarters of the Dominion; but, if we expect this Confederation to hold together, the time has come when we should be a little cautious about rushing into these expenditures. Our debt is increasing with tremendous rapidity. Taxation is increasing; and our financial future is anything but cheerful, so that this would be an unfortunate time to undertake heavy expenditures. Already the feeling has grown in some of the Provinces, and is beginning to grow even in Ontario that Confederation costs rather more than it is worth; and, if we are to do a great deal more for the Province of Prince Edward Island and go into expenditures of this kind, the feeling will grow as to that Island at any rate. When Prince Edward Island came into the Union she came in on most advantageous terms, one of which was that this communication with the mainland was to be maintained. The Government made an effort to maintain the communication; that effort has not been altogether successful. Two years ago a Committee of the House of Commons was appointed to deal with this matter. They sat for a number of days, took a great deal of evidence and made certain recommendations. That committee did not recommend a subway or tunnel; and I think that until the recommendation of that committee has been tried and found not to be satisfactory it is too soon to initiate another scheme; still it is to be hoped that the Government will get information on this subject, and if they are satisfied that the scheme is a feasible one that they will cause surveys to be made. But I hope that they will hasten slowly in this matter. There has been in Canada altogether too much fighting against nature. We are fighting against nature out in the Rocky Mountains. There are schemes for navigating Hudson's Bay and all sorts of undertakings of that kind which much wealthier and more prosperous countries would not venture to undertake. We are not responsible for the fact that Prince Edward is an island. Providence separated her from the mainland, and she has to take the consequences. If we get over the inconvenience for a reasonable figure it is all very well, but we are not bound to do it *coute qui coute.*

HON. MR. HOWLAN—You are by the terms of Union.

HON. MR. POWER—There is another reason why I feel that it is rather soon just yet to undertake to make much further expenditures on account of Prince Edward Island. The hon. gentleman from Alberton referred to the fact that the Island Railway cost about $100,000 a year more than it brought in. It is only a little while ago that we undertook to give them more railway on the Island. The communication with the mainland costs a great deal now. The population of the Island is about 110,000 or 115,000 people.

HON. MR. HOWLAN—But look what a class of people we have got.

HON. MR. POWER—They are a very superior class of people, but it might perhaps pay as well to bring them all over to the mainland, if we are going to spend so much for communication with the Island. While so much money has been spent for this Island with its 110,000 or 115,000 people and while so much has been done for Vancouver Island, with its 12,000 people, there is an island which I think is of quite as much value as either of these—Cape Breton—for which almost nothing has been done. I really think that the 85,900 or 90,000 people of the Island of Cape Breton deserve a little consideration from the Government before a large expenditure is gone into in Prince Edward Island.

HON. MR. HOWLAN—Do not be a dog in the manger.

HON. MR. POWER—There is no railway in Cape Breton, whereas there are 200 miles of railway in Prince Edward Island.

HON. MR. HOWLAN—We paid for that ourselves.

HON. MR. POWER—The hon. gentleman is right in one way; the Island Government built the railway, but the debt is assumed by the Dominion. It is generally understood that the administration of the day built the railway, because they felt that the Island would be obliged to come into the Union as she could not bear the debt; and when the railway was under way the Island entered the Confederation.

HON. MR. HOWLAN—The hon. gentleman's information is not correct.

HON. MR. POWER—The hon. gentleman from DeLanaudiere spoke of Nova Scotia having cost $10,000,000. Nova Scotia came in ultimately with a debt of $10,000,000 just as Prince Edward Island came in with her debt, and Canada with hers. Canada came in with a debt of $70,000,000, and I am quite sure that Nova Scotia brought in as much value in proportion to the amount of her debt as either Canada or Prince Edward Island. The island of Cape Breton has not a single mile of public railway. This Government has spent no money on Cape Breton, except upon the enlarging of the St Peter's Canal and some harbor improvements. The strait separating the island from the mainland is not 9 miles across—it is not one mile, and if there are to be subways that is a much better place for them than Northumberland Strait. After a subway is made across the Strait of Canso, and the railway is extended to Sydney, then it will be time to ask for $2,000,000 to build a subway from Cape Tormentine to Cape Traverse.

HON. MR. BELLEROSE—I wish to make a brief explanation in reply to the remarks of the hon. gentleman from Halifax. I never mentioned the $10,000,000 as an argument for granting this to Prince Edward Island. The hon. gentleman from Halifax interrupted me, and I said i I had been discussing the $10,000,000 for Nova Scotia he might have allowed me to proceed with my argument without interruption.

HON. SIR ALEX. CAMPBELL—I am sure the hon. gentleman who introduced this subject to the House must be gratified by the very marked impression his speech has made. The information he has laid before the House, I think, is admirably calculated to bring the minds of hon.

gentlemen to the conclusion at which his own has arrived. He has brought details of a most interesting character, and I think has given us all information which we did not possess until he rose to make his remarks, and evidently by the discussion which has taken place he has produced a very decided impression upon the minds of hon. gentlemen who have listened to his speech and who, perhaps—some o them at all events—were rather disposed to be prejudiced against the project which he has laid before us. I am not able to give my hon. friend the exact promise which he seeks for in his inquiry. I will say frankly to him, and to the House, that the promise to undertake the survey of this work is one which I am not prepared to make. That the Government will give attention to the subject I can promise with great pleasure and in perfect faith, but not that it may lead to any survey. The question as put by the hon. gentleman is whether the Government, after due consideration, will be prepared to recommend the survey. I am not able to say whether the Government will at any stage of their inquiry recommend a survey or not, but I will take care that the remarks which my hon. friend has made, and an account of the effect which has been produced by those remarks on the House, are conveyed to the Government, and more particularly to the Minister who is charged with this class of Government business. I will take care that full information is given, and I think it is very likely that the impression made on this House may, to some extent, be communicated to the members of the Government when they have the benefit of the report, which no doubt will appear, of the speech which my hon. friend has made. I will take care that due consideration is given by the Government to the proposition which my hon. friend has put forward and the arguments by which he has supported it. Beyond that, and with reference to a survey, or the result of it, I am not able to give my hon. friend the promise which he desires, but I hope he will be satisfied that he has made a very considerable impression upon the House and that the Government will give consideration to the subject to which he has called attention.

HON. SIR ALEX. CAMPBELL.

MARITIME COURT OF ONTARIO JURISDICTION BILL.

SECOND READING.

HON. MR. TURNER moved the second reading of Bill (11), "An Act to extend the jurisdiction of the Maritime Court of Ontario."

He said—I may mention that certain powers of the Vice-Admiralty Court do not extend to Ontario, and that it has much greater powers than we propose. All asked for by this Bill is simply that the building, equipping, repairing a ship, and the materials used for the purpose, shall be a first lien on the vessel. In the Maritime provinces, where there are tidal waters, the powers are very much more extended. The reason for asking for this legislation is that there has been considerable grievance on account of non-payment for work done for parties owning vessels nominally, having those vessels mortgaged to a very large extent, and such claims, being against the owners only, could not be enforced. I think it but reasonable that if anything is done towards improving a vessel that the money so expended should be a first lien on the vessel. The only other point of this Bill is that it is not retroactive.

HON. MR. KAULBACH—I shall at the next stage of the Bill oppose it upon the ground that it is not in the interest of the shipowners, but is prompted by the ship chandlers. The claim should not be a first lien on the vessel to the detriment of other existing liens, only for what is absolutely necessary for the voyage. On the Upper Lakes the owner of the vessel is accessible and can easily be communicated with, and there is not the same necessity there for this legislation that there is for sea-going vessels.

HON. MR. GOWAN—The present jurisdiction of the Maritime Court does not extend to building, equipping or repairing vessels, but the common law right exists of a lien. A vessel may be repaired and work done upon it, and it could be taken for that as property for rent in former years. The Dry Dock Company at Owen Sound having undertaken to do work upon a vessel found that it was

mortgaged and the ownership distributed amongst many persons, and none of whom were willing to pay the money, and there the claim rested. I know another case where a ship carpenter put $1,800 worth of work on a vessel and could not recover the money in consequence of it being mortgaged, and the property distributed amongst several persons. The only objection I have heard to the Bill is that it would enable masters of vessels to pledge vessels to the prejudice of the owners. They cannot do that because the common law right exists. The vessel can be detained, but it is very inconvenient to do so, and this simply extends the jurisdiction so as to enable that to be done in Ontario which is done elsewhere and which is done in respect of the various matters connected with vessels. The Bill as it originally stood authorized the vessel to be detained for certain supplies.

The motion was agreed to and the Bill was read the second time.

BILL INTRODUCED.

Bill (40) "An Act further relating to The Central Bank of New Brunswick." (Mr. Wark.)

THE COX DIVORCE CASE.

SECOND READING POSTPONED.

The order of the day having been called for the second reading of Bill (H) 'An Act for the relief of George Branford Cox," and that the petitioner do attend at the Bar and be heard by counsel,

HON. MR. OGILVIE said: I have had to appear so often as an apologist in this case that I really feel almost ashamed to do so again, but yet there is no help for it. We have only telegraphic evidence. I ask leave now that the order of the day for the second reading of the Bill be discharged and that it be read the second time on Monday the 20th April inst.

The motion was agreed to.

DRY DOCKS BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (108) "An Act to amend the Act to encourage the construction of Dry Docks, by granting assistance on certain conditions to companies constructing them. He said: In the original Bill it was only an incorporated company that was authorized to undertake the work of constructing a dry dock; it is proposed to allow the City of Halifax to do so in the same manner as an incorporated company.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at six o'clock.

THE SENATE.

Ottawa, Friday April 10th, 1885.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

NORTH-WEST TROUBLES.

HON. SIR ALEX. CAMPBELL—I regret to have to announce to the House the receipt of the following telegram from Battleford: "Indian massacre has taken place at Frog Lake. The following killed: Rev. Father Forfar and Rev. Father Lemarchand, priests; T. T. Quinn, Indian Agent; John Delaney, farm instructor; Mr. Gowanlock and wife; two men, names not mentioned. Mrs. Delaney is prisoner. The fate of Mr. Cameron of Hudson's Bay Company is unknown." I have no further intelligence from the North-West than this telegram which notifies us of a very serious calamity. A copy of the telegram has been forwarded to the commander of the troops for confirmation and from whom we have heard nothing so far.

HON. MR. MACDONALD (B. C.)—What Indians are they?

HON. SIR ALEX. CAMPBELL—The Crees and Stonies. The telegram is from Battleford. Frog Lake is somewhere in the vicinity of Fort Pitt.

HON. SIR DAVID MACPHERSON—Frog Lake is about 40 miles north-west of Fort Pitt, and Fort Pitt is 93 miles from Battleford.

HON. MR. PLUMB—When did this take place?

HON. SIR ALEX. CAMPBELL—It took place yesterday, so far as we know.

PUBLIC AFFAIRS OF THE DOMINION.

MOTION POSTPONED.

HON. MR. ALEXANDER rose to call attention to the present state of the affairs of the Dominion and to ask the Government how they propose to remedy existing evils. He said: I hope the House will permit me to postpone this motion until Wednesday the 15th April. As was observed by a prominent preacher from one of the pulpits last Sunday, "When fire breaks out on board ship the first duty of all is to unite in stopping it. When the chief danger is over we may then proceed to courtmartial those who caused it."

The order of the day was discharged.

PARLIAMENTARY RETURNS.

MOTION.

HON. MR. FILNT moved:—

That an humble address be presented to His Excellency the Governor-General, praying that he will cause to be laid before this House, a detailed statement of the number of addresses asked for by various members of the Senate and House of Commons, for the sessions of 1884 and 1885, giving the nature of the address, the name of the member asking the same, and the cost of each return so made, said return to be made as soon as practicable after the close of the present session.

He said:—My reason for asking for this return is, so much has been said about the expense of carrying on public affairs, and the extravagance of the Government that I think it is no more than right that the House and the country should know how much money it costs for those addresses. Those returns are obtained; they are printed and they are put into the hands of members of the House, and where do they go to? They may possibly go into the hands of two or three different parties who may be interested in them, but it is very seldom that the public see or hear anything of them. As far as the addresses that have come to my hand are concerned, I generally send them to the press of my county, and I just get an acknowledgment that they have been received and that is all.

HON. MR. PLUMB—They are thrown away and wasted.

HON. MR. FLINT—Yes, as my hon. friend says, they are thrown away and wasted, and if we are bound to waste money it may as well be wasted in some other way. I was in the Legislative Council for some years and I have been in this House ever since Confederation, and I have always found that if I wanted to get information from any Department of the Government it was a very easy matter for me to write a letter and get that information or to go to the Department myself and obtain it without any cost to the Government for notices or printing. That is the course I have taken hitherto, and this is the first occasion since 1862, the time of my coming into the Upper House and into the Senate that I have ever put a notice on the paper asking for an address to His Excellency. I trust therefore I may be excused for moving the address of which I have given notice.

HON. MR. BELLEROSE—I regret that I cannot accept the observations of the hon. member who has moved this address without saying a few words. According to my judgment the hon. gentleman is now sinning in the very way that he is reproaching others for having sinned. If addresses are not necessary, why ask for this one? The hon. gentleman ought to know that members of both Houses may have good reason to ask for information, and if Parliament is good for anything it is to assist the Government in carrying on the business of the country, and to carry on the business of the country requires information, and to have that information, when we are not at the seat of government the whole year, we must be made aware of what is going on by addresses and returns and questions when Parliament meets, so that I do not believe the hon. gentleman is right in criticising

those who have occasion to ask for such information. No doubt there are abuses of this privilege, and if the hon. gentleman can suggest a remedy so that anything that is good may never be abused, then I am ready to stand by him; but in criticising in a general way this well established mode of asking for information in Parliament I cannot support him. I have moved an address in this House that I believe has cost the country as much as the whole of the addresses which have been referred to by the hon. member opposite. For that reason I believe I am more criticised by this motion than any other member, though if I had to do it again I would move for that return at any expense. I say before the whole country that anything that is necessasy in this direction must be obtained at any expense, otherwise it would be better to do away with Parliament altogether and leave to the Government the administration of the whole business of the country, believing as we all believe that they are trustworthy and that they will go on and do everything that is right. I do not mean to say, as I said before, that there are no abuses of this practice of calling for returns, but who is to be the judge of that but the Government. When the Government state from their place in the House, that an address cannot be accepted then the House usually submits; and when the Government disapproves of it there is no other tribunal to appeal to, and I cannot accept the criticism of my hon. friend without protest.

Hon. Mr. READ—The motion I suppose is a proper one, but I can only say, as Chairman of the Printing Committee, that those addresses when they come before that Committee are thoroughly criticised and looked over. If they are of public importance they are printed either for distribution or in the Sessional Papers, according to their value as public documents or the requirements of the public interest; but not one-fourth of them, I think, are printed at all. To-day we have before us seven pages of an order paper containing 100 addresses or more, perhaps not one-third of which will be printed. Many of them are of great importance to members, however, and I think that the information is necessary to be given to Parliament under any circumstances. The member who moves an address takes the responsibility of doing so, and it is his duty to do so, because abuses may exist that require to be ventilated, and he can only get this information in a proper and Parliamentary manner. The Committee do not incur any more expense in printing those documents than is necessary in the public interest, and some of them are of vast importance indeed. For instance there was one brought down to-day on a matter in which I was interested, and I went to the Clerk and got a copy of it. It is a paper that is not to be printed.

Hon. Mr. PLUMB—As the seconder of the motion before the House, I can hardly allow the remark of my hon. friend on my left (Mr. Bellerose) to pass without saying a word. I do not think anything could be further from the thoughts of the mover of this address than to have said anything personal to my hon. friend; and I think that my hon. friend opposite, (I say it with great respect), is beside the mark in presuming that the motion of the hon. gentleman from Belleville is intended as a general criticism or an objectionable criticism to the Parliamentary practice of moving for addresses. That is certainly the inherent right of every member who sits in this hon. House, or who sits in the other House; but I think it is not improper for my hon. friend, who has seen, as most of us have seen, that a practice of this kind, however laudable and necessary it may be as a means of procuring information, is open to certain abuses, to move this address. He has not presumed to limit in his resolution the right to move for returns; he simply asks for the information that the public may see who does move for them. That is a matter of public notoriety already, but it is not condensed in the form he proposes —the names of the members who move the addresses, what are the subjects of those addresses, and how far the country has been put to expense for the publication of those addresses. It is not limited to this House. Although I am not sure that an inquiry of that kind will be accepted by the Government, I certainly think it is in the right direction, and that my hon. friend is entitled to credit for having brought up such a resolution, and I trust that the address will be granted.

HON. MR. BELLEROSE—I would ask the hon. gentleman from Niagara whether he believes that, when this address is accepted by the House and the Government, the people will be in a position to judge whether the practice has been abused or not? Is it not a criticism on the actions of this House? When a return is called for, and has to be printed, we have to vote for or against it, and the House is now condemning itself for its own action in voting for such returns.

HON. MR. PLUMB—I think it is a perfectly proper motion. I do not think it is a criticism on the actions of the House; it is merely a motion for information. My hon. friend (Mr. Flint) was very careful to say that while he himself had never made any request of the kind —while he had been able without expense to get information from the Departments, —he did not criticize those who took this mode of getting information, on an address. He does not imply by his motion a censure on those who moved for returns, but he may call attention to a practice which is liable to great abuse. As my hon. friend says the system was a good one, but I have seen the thing carried to great excess. I have seen returns brought upon the table of the House that I shall not mention, which were so voluminous that they would never be read or printed, nevertheless returns that cost a great deal of money to prepare.

HON. MR. BELLEROSE—My question was will the people be better judges than this House as to whether the returns moved for are of value to the country, or that members have abused the practice?

HON. MR. PLUMB—It is almost always the custom to allow a motion of this kind to pass as a matter of courtesy. Perhaps the only protection the Government would have would be something of this kind. It does not necessarily follow that because a motion for a return is passed, the House considers it a laudable one or in the interests of the country.

HON. MR. WARK—The Printing Committee examine the returns that are referred to them very carefully before ordering them to be printed, and they are only approved for printing when it is ascertained that they contain information that is of value to the country.

HON. SIR ALEX. CAMPBELL—I think a good object which might be gained by the passage of the address is, not the putting a stop to the practice which is the right of Parliament, to move addresses and call for papers, but to direct the notice of members of both Houses to the number of papers that are asked for constantly, and the expense that their preparation entails. It is not to put down the practice, but to draw the attention of members to it, leaving themselves to judge whether in the face of such a large expenditure it is expedient for them to make motions from time to time for addresses which may involve a very large expense without having any value or importance to the country. I have no objection to the address except that I think the hon. member should not have asked for the names of the members of the House of Commons who have moved for those returns. There might be something invidious in that, and besides the Government has not the information. The motion comes up, it is simply an address for papers, and the name of the person at whose instance it is moved is not given with it. The object of giving the name would be rather to point out that member as having asked something which has entailed a large expense on the country, and which he ought not to have asked for; but even if it is not open to that interpretation the Government has not the information. The Government has simply the addresses which have been passed by the House of Commons and signed by the Speaker. I would suggest to my hon. friend to strike out of his motion the words "the name of the member asking the same."

HON. MR. FLINT—I have not the least objection to amending the motion in the way suggested by the Minister of Justice. As I said before this is the first time I have ever moved an address to His Excellency, and it may be wrongly worded. I wish it distinctly understood that in geting up this motion I had no one person in my mind in reference to it; my object

was to try and obtain information as to what it has cost the country for those addresses, and although my hon. friend from the Printing Committee has stated that many of those returns are not printed, still there is a large expense in connection with the preparing of them, and if there is any way of limiting this expense it will certainly be a benefit to the country. I have no desire to impugn the motives of hon. gentlemen who choose to ask for addresses, and I had no idea of giving offence to any gentleman or to any number of gentlemen when moving the resolution of which I have given notice.

HON. MR. PLUMB—The printing is the smallest part of the expense.

HON. MR. FLINT—I understood from members of the other House that a return was brought down there the other day the preparing of which cost $800, and it is not to be printed. That was given as a reason for asking for this return.

HON. MR. ALEXANDER—I believe that there has been an unusual number of addresses asked for during the last two years, and I dare say there has been in some cases an abuse of this privilege of Parliament; but I am rather surprised at my hon. friend behind me placing this motion on the paper, because I regard him asone of the most upright and most independent members of this House, who always acts according to his convictions, and I am surprised that he should specially challenge the right of members to move for those addresses. We all remember when the other party were in power how active some of the Opposition members were. We all remember the committees called for by the Minister of the Interior, and by my hon. friend from Belleville upon the subject of the steel rails, and the Neebing hotel and putting the country to an enormous expense simply to prove that the Neebing hotel was built of a few slabs. We all remember the rapacity with which the Minister of the Interior when he was in opposition, and other gentlemen in this House, endeavored to ring the changes upon the policy and expenditures of the Reform Party. I am surprised that the hon. gentleman from Ottawa (Mr. Scott), the leader of the Opposition, does not make some remarks with regard to this, but I have failed to observe that he is a faithful leader of that party. He never comes to the front when anything transpires on the floor of this House which would enable him to advocate the rights of Parliament. He might have reminded the House, as I remind them now, that when the present party were in opposition they spent any amount of money, and did not grudge any expense, to damage the Government of that day. Now I have a motion on the paper which is coming up calling for a return of the assets of the bank of Upper Canada, which if the House would grant me I could prove that certain Ministerial supporters of this Government have evaded the payment—

HON. SIR ALEX. CAMPBELL—The hon. gentleman is out of order.

HON. MR. PLUMB—The hon. gentleman's remarks are entirely irrelevant to the question before the House.

THE SPEAKER—The hon. gentleman will confine himself to the subject.

HON. MR. ALEXANDER—I will not say anything further on that subject. I am utterly surprised at the silence of the hon. gentleman from Ottawa on this occasion.

The amendment was agreed to and the motion as amended was adopted.

TRACADIE HARBOR.

INQUIRY.

HON. MR. HAYTHORNE rose to inquire from the leader of the Government in this House whether it is intended, during the ensuing summer, to make any improvements at the entrance of Tracadie Harbor, Prince Edward Island, by constructing a breakwater or otherwise.

He said:—This motion does not involve a return of papers, so I hope it will receive a favorable hearing. It refers to what was once a very safe and much frequented harbor on the north shore of Prince Edward Island, but which, from circumstances that I will briefly detail, has become far less useful than it formerly was.

In a state of nature Prince Edward Island possessed many very valuable harbors on its north coast which, for many years past, since the settlement of the country, have silted up at their entrances with sand and other debris, and this has been the case with the harbor called Tracadie, concerning which I have given notice. There is a large area of land-locked water there, inside of the harbor, round which reside a numerous and enterprising body of fishermen. The industry of these men is now very much confined to boat fishing, whereas in former times, notably during the time of the French occupation, vessels of considerable burden used to frequent the harbor; and not only so, but vessels that had the misfortune to be caught in storms off the coast frequently sought safe refuge in Tracadie harbor from the winds and waves. I have recently received letters from fishermen residing in that neighborhood calling my attention to the fact that they have perceived that no arrangement is spoken of for improving the entrance to their harbor this year, as they had been led to expect would be the case. I see that some very considerable amounts have been voted for other purposes in Prince Edward Island, and I think it will cause a great deal of disappointment if nothing is done for this particular harbor. I should like to add that the action of the Government of late years, with reference to several other harbors similarly situated on the coast of Prince Edward Island, has been very successful, that the silting up of the bars has not only been arrested, but they have been very considerably deepened in many instances, and I believe as a rule the works lately constructed have withstood the winds and waves remarkably well. There is, therefore, the greater encouragement to repeat the experiment with regard to Tracadie Harbor, and as the harbors east and west of this particular one have been successfully treated, it is hoped that the same will be done with regard to Tracadie. I may say that what is very much needed on that shore on which the fisheries are prosecuted is a visit from an expert who not only understands the natural history of fish, but has some knowledge of the causes which lead to the blocking up of harbor mouths. A visit of such a person as that would be of very great benefit to us. It would indicate the causes which give rise to the necessity for these exceedingly costly undertakings. I remember hearing not very long since the leader of the Government in this House mention a visit that he had paid to Halifax. Should he repeat that visit I hope he will extend it to the shores of Prince Edward Island, where I am sure he will receive a very hearty welcome, and from his well known experience and sagacity in these matters—because after all sagacity is the main thing—good results will no doubt ensue. Without extending my remarks unnecessarily, I make the inquiry of which I have given notice.

HON. SIR ALEX. CAMPBELL—In reply to the question which the hon. gentleman has put, I ask permission of the House to read a short memorandum which has been furnished me by the Department before I give a direct answer to the question. It is as follows:—

Tracadie Harbor is situated on the northern side of Prince Edward Island, and like all the harbors on that coast is obstructed by a "bar," which, being composed of sand, shifts in position during heavy gales from the northward, but at all times obstructs the entrance to vessels drawing over seven feet.

I do not know whether that is the information my hon. friend has.

HON. MR. HAYTHORNE—It was a great deal more in former years.

HON. SIR ALEX. CAMPBELL—The memorandum continues—

In a report to the Department of Public Works dated March, 1883, the Chief Engineer referred to the success obtained by the construction of works at New London and St. Peters on the same side of the Island in deepening and maintaining the depth over the "bar" at those places and recommends the construction of similar works, the cost at that time being estimated at $7,000—but as it is possible that physical changes have taken place since then, a fresh examination might lead to a revision of this estimate of cost.

Then I asked my hon. friend, the Minister of Public Works, whether he proposed to take any vote for the work during the present session and he sends me a note to state that it is impossible to say now, the supplementary estimates being under consideration of the Government at the present time. I will take care to mention the matter, and the interest which the hon.

gentleman says the people in that part of the country naturally take in the subject, to the Minister of Public Works, and will also inform him of the remarks which the hon. gentleman has made to-day.

YORK STATION PRINCE EDWARD ISLAND RAILWAY.

INQUIRY.

HON. MR. HAYTHORNE rose to call the attention of the House to the recent closing of the York Station of the Prince Edward Island Railroad, and will ask the leader of the Government in this House, by what authority and for what causes, the said station was closed ; also whether it is intended to re-open said station, and if so when ?

He said: I regret that it should be necessary for me to trouble the House so frequently with the affairs of the province from which I come, but the notice on which I now propose to make some remarks arose from the abrupt closing of a station on the Prince Edward Island Railway some months ago—last autumn I think. The people were very much surprised to find that York Station had been suddenly dismantled, that the telegraphic apparatus had been taken down, the station master dismissed or ceased to be engaged, and the station house converted partly into a residence and partly into a shed. Of course the people residing in the immediate neighborhood were very indignant at this, and that indignation was felt quite as much by the supporters of the Government as by anybody else. In fact, although I live very near the station myself, I have derived most of my information on this subject from strong supporters of the Government, and they feel exceedingly disappointed and disgusted. This feeling of disappointment and disgust was not at all confined to them. In other parts of the Island it was felt that the same rule might be applied to other stations, and the great evil it has done is more than I can very well describe. In the first place York Station was not established when the road was built, but only some five or six years ago, and another station somewhat further east was established about the same time. The current idea in the Island is that this York Station was degraded to a siding because it did not pay. Now if it does not pay certainly means should have been taken to make it pay before such an extreme course was taken. I may say, for the information of hon. gentlemen opposite, and the House generally, that this station is located in a most populous and fertile district. There is not an acre of unoccupied or unproductive land in the neighborhood. The settlements are very old indeed ; they were old settlements when I first arrived in Prince Edward Island more than 40 years ago, and they are in a high state of cultivation. Besides the agricultural products, which are very large and various, there is one cheese factory, and one starch factory in the neighborhood, and those very fisheries which we have been just now talking of are not far from the same station, but strange to say neither the agriculturists nor the fishermen are in the habit of availing themselves to this railway. One would suppose that men, with a railway passing through their settlement would abandon the ordinary use of the main roads and horse cartage, and carriages, and travel by the railroad. It is a strange thing indeed that such is not the case. My correspondent tells me the reasons for this ; he says that the usual facilities are not afforded. I have often asked persons in that neighborhood why instead of driving long distances in the fall of the year in wet weather, through muddy roads, they did not avail themselves of the trains, and they have told me it was impossible for them to do so because they did not pass there at times which would enable them to attend and return from markets. Now the first thing a railway company would do to make their business profitable would be to establish a train service which would enable the farming population to reach the markets in time, and to return to their homes at convenient hours, but such has not been the practice on the Prince Edward Island Railway. You can travel on the trains if you take them at hours to suit the management, but they will not change the time to suit the people. Now that is not the way to make a railway pay. Until some such experiment has been tried as I have described, I cannot believe that those railway stations cannot be made self-sustaining. They are in a fertile district and there are the factories and

fisheries in the vicinity that I have alluded to, and besides that nearly the whole of that population is obliged to obtain supplies of fuel, either of wood or coal, from a distance, which they would, if proper facilities were afforded, have carried on the Prince Edward Island Railway. That road requires to be dealt with *per se.* It is not like a line on the mainland with a vast collecting area for freight in its vicinity. Prince Edward Island being a small place, of course the gathering ground for traffic is small, and it is rendered smaller by the intervention of salt water. For instance, the rivers which intersect that province make the area for railway traffic very small; but if that be a disadvantage, which perhaps it is to some extent, it is met on the other hand by this advantage, that the first cost of that railway was very small indeed, and its working expenses would naturally be very small also. In my opinion, the proper way to make that railway pay is to adapt the trains to the convenience of the people and not require the inhabitants to adapt their convenience to the trains. That is the first great and important change which should be made, and there might be an improvement in other ways. For instance, my correspondent tells me that at the crossing of two main roads within a few miles of this same station, where switches formerly existed at the first formation of the road, those switches have been removed, and the inhabitants who before that could drop freight at that particular crossing have no longer that privilege, and if they wish to avail themselves of the use of the railway they have to go such a distance to the nearest station that practically the railroad is useless to them. There are some other objections which my correspondent has alluded to, as, for instance, that under existing circumstances York station being degraded now to a siding, when passengers get into the trains they have to pay their fares in the carriage, and of course the conductors are not authorized to grant them return tickets. That is another obstacle to traffic which might be very easily removed. Another great hardship connected with this affair has been that on the erection of this station, of course, it made a great change in the value of property there. Property which formerly had been merely valuable as farming land became at once available for other purposes and changed hands at enhanced prices, being purchased by persons intending to carry on trading. All those purchasers are manifestly at a great disadvantage, and it cannot be said that they have been fairly dealt with. They would not have bought land at high prices and established themselves there if they had supposed that the station could have been removed. I think the Government cannot fail to see that those men have not been fairly treated. To myself, individually, it is a matter of little consequence, but as a representative of the Island I see some great principles involved in it. Not only does it entail inconvenience and loss upon the people in the vicinity, but it is an absolute breach of the terms of Confederation.

HON. MR. ALMON—Hear! hear!

HON. MR. HAYTHORNE—My hon. friend from Halifax smiles, but he would not smile if he heard that Halifax station was to be closed. The hon. Minister of Justice was one of those who negotiated the terms of union with Prince Edward Island, and he must know perfectly well that it was not only agreed that the Government of Canada should take that road over, but that they should also operate it. Now it is a strange way to operate a railway to close a station such as this one I have described. I hope the matter will receive the attention of the Government. When we first heard that York station was closed in seemed incredible that the Government could think of permanently degrading such a station to a siding, and we expected that when the spring came it would be opened again; but there is no indication yet, at all events, of any such intention. I do hope that it will receive the Government's mature consideration. I purposely forebore touching on the circumstances which surrounded the first erection of this particular siding into a station, because it does not bear immediately on the question. It has rather a political bearing which I wish to avoid, and I shall abstain from alluding to it unless the necessity arises. I hope to hear from the hon. gentlemen opposite that they will re-open that station before long not only in the interest of those who

are in opposition to the Government, but in the interest of their own political friends.

HON. SIR ALEX. CAMPBELL—I do not think my hon. friend need at all have apologized to the House for introducing this or any question that seems to him of importance to Prince Edward Island. No doubt he does his duty to the Island in bringing up any question which he deems of importance to those he represents, and I recognize the fact that in doing so he has often rendered essential service to the inhabitants of that part of the Dominion. Undoubtedly the obligation of the Dominion was to operate as well as take over the railway, but there must be reason in the operation. There must be some discretion left to those who manage the line as to what stations shall be opened and what stations closed. The hon. gentleman may be quite right as to this station. But the conclusions which those who manage the road have arrived at are different from his. They may be wrong, but the hon. gentleman will admit that those who manage the railway would naturally desire to get the most traffic they can. It may not immediately affect their salaries, but their position and their being retained in the services of the railway and the amount of eclat which they get from managing the railway depends more or less on their success. Undoubtedly in their judgment it may be assumed that they do the best they can in the interests of the road. About market trains, I do not know the reasons why they are not furnished, but I will take care to inform myself on the subject and recur to it again. I have no doubt it will be found that there are good reasons why such trains do not run from this particular station to Charlottetown. I have no doubt if those who manage the road thought that they could make market trains there a success, their first wish would be to augment in every way the business of the road. With reference to the question which the hon. geatleman has put, I am informed that the station is not closed, but owing to the comparatively small amount of business done there, it has, by the authority of the Minister, ceased to be a booking station. That is, you cannot buy a ticket there but you can buy a ticket on the car after getting into it. It may be that there is an evil there because you cannot buy a return ticket. I will mention that to the Minister and perhaps steps will be taken to provide for the issuing of return tickets. If the business was too small to warrant the management in keeping a clerk there and maintaining it as a booking station, I think it was right to close it. It was not in the interests of the country to keep open a station which involved the loss, and if the management thought it was not justifiable to maintain an officer there, he did right to close it. I do not think it should be closed abruptly, because for a month or so the business was small, but if for a reasonable space of time there was not business enough there to justify them in keeping the office open, I think the management should not be blamed for closing the station, and it seems that they have closed it only so far as regards the booking of passengers. It is open for the reception of freight, and passengers can take trains there if they like. I will inquire about the return tickets and see if that cannot be arranged and I will mention also to the Department what my hon. friend has said about the want of market trains and the possibility of establishing such trains for the convenience of the public there, but I am sure that I can say confidently that whatever can be done towards augmenting the business of the railway it is the earnest desire of the Government and the management of the railway to do it.

HON. MR. HAYTHORNE—The township on which that station stands comprises about 22,000 acres, and I think its population at the present day is not under 2,000, and it comprises all those industries which I have stated. The agricultural commerce of that large fertile area, instead of being carried as it would be if it were situated in this part of the Dominion, near any of the great lines of railway, with the exception of oats is pretty nearly all carried on the main road and passengers travel in the same way. What I contend is that the railway should hold out such inducements for passengers and trade that the business would be increased at that particular place.

HON. SIR ALEX. CAMPBELL—What distance is the station from Charlottetown ?

HON. MR. HAYTHORNE—About ten miles.

CANADA CO-OPERATIVE SUPPLY ASSOCIATION BILL.

SECOND READING.

HON. MR. RYAN moved the second reading of Bill (81), "An Act respecting the Canada Co-operative Supply Association, limited."

He said: This is a Bill to enable the Co-operative Association of Montreal to take steps which they believe will enable them to carry on their business successfully. Hitherto the business has not been very prosperous, and they ask permission to re-issue, as preference stock, any ordinary stock of the said Association which has been or may hereafter be cancelled or forfeited under the by-laws of the Association. A motion to this effect was brought forward at their annual meeting last year and approved of. They ask also that such privileges be granted as will enable them to pay dividends on the preference stock of the Association. The object of the Bill is to enable them to issue preference stock and by that means to raise additional and sufficient capital, and in order to facilitate that they ask to be allowed to pay dividends on the preference stock. They have that power already, but in the general law it is provided that if the stock of a company be not at par, or in a prosperous condition, that power is not to be exercised, and it is to enable them to do that, although the stock is in a rather depreciated condition, that they ask for this legislation. The second clause is as follows:

2. The preference stock of the said association shall be kept and deemed distinct from and independent of the ordinary stock, and dividends not exceeding six per cent. per annum may be declared thereon and made payable out of the profits earned by the said association.

This Bill has received, as I have said, the concurrence of the shareholders of the company, and it has passed through the other House and will go before the proper committee here, where it will be carefully considered.

The motion was agreed to, and the Bill was read the second time.

PENSION FUND SOCIETY, BANK OF MONTREAL, BILL.

SECOND READING.

HON. MR. RYAN moved the second reading of Bill (49), "An Act to incorporate the Pension Fund Society of the Bank of Montreal."

He said: I have been requested by the Hon. Mr. Hamilton to attend to this Bill and the one following it on the order paper, in his absence. The employes of the Bank of Montreal have had a society which they call the Annuity and Guarantee Funds Society. They are about to wind up that concern and the object of this Bill is to accept the funds and take the responsibilities of the previous society, and to provide funds for the benefit of retired employes of the bank and of their widows and children in case of their death.

The motion was agreed to and the Bill was read the second time.

ANNUITY AND GUARANTEE FUND SOCIETY, BANK OF MONTREAL, BILL.

SECOND READING.

HON. MR. RYAN moved the second reading of Bill (48), "An Act respecting the Annuity and Guarantee Funds Society of the Bank of Montreal."

He said: This Bill is to enable the Annuity and Guarantee Funds Society of the Bank of Montreal to wind up its affairs and to transfer the funds of the company to the Pension Fund Society of the Bank of Montreal.

The motion was agreed to and the Bill was read the second time.

ROYAL CANADIAN INSURANCE COMPANY'S BILL.

SECOND READING.

HON. MR. RYAN moved the second reading of Bill (43) "An Act to authorize the Royal Insurance Company to reduce its stock, and for other purposes."

He said: I think I shall best convey the objects of this Bill by reading a few lines from the report of the Directors at their annual meeting in December last :—

"The Directors have petitioned Parliament for a Bill to amend the charter—first, to empower them to reduce the capital stock of the Company to $500,000, being 20,000 shares at $25 per share, of which $20 is paid up, leaving a liability of $5 per share. Second, to reduce the number of Directors from nine to any number not less than seven. Third, to change the day of annual meeting from the first to the last Thursday in February in each year. Fourth, to invest the funds in any British, Canadian or United States of America securities, public or private, with respect to which no liability does or can attach to the holder or owner thereof."

There is one provision which is very important, and although it looks a little objectionable to reduce the capital of an Insurance Company on the first reading of it, still they have made provision here which I think will remove any difficulty on that point. Clause two is as follows:

"Until all the policies granted by the said Company shall have expired, or shall have been exchanged for policies based on the said reduced capital, the action of the said shareholders, with regard to the said reduction of capital, shall remain suspended so far as the unpaid portion only of the said capital is concerned; but so soon as all such policies shall have expired, or shall have been so exchanged, as aforesaid, the whole of the capital stock of the said company shall be reduced, to all intents and purposes whatsoever, to the extent so agreed upon and determined by the said shareholders."

The motion was agreed to and the Bill was read the second time.

FREDERICTON AND ST. MARY'S RAILWAY BRIDGE CO'S BILL

SECOND READING.

HON. MR. WARK moved the second reading of Bill (50), "An Act to incorporate the Fredericton and St. Mary's Railway Bridge Company."

He said: This Bridge crosses the river St. John at or near Fredericton. There is a railway from St. John now terminating at Fredericton; there is another up river which terminates opposite Fredericton, and there is a railway being built from Miramichi to Fredericton. The object is to connect with the railways of the United States, and a bridge will be necessary for that purpose. Then there is the Short Line Railway contemplated between Montreal and Halifax which is expected to cross there.

The motion was agreed to and the Bill was read the second time.

The Senate adjourned at 4:30 p.m.

THE SENATE.

Ottawa, Monday, April 13th, 1885.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (O) "An Act further to amend the Act for the Better Preservation of Peace in the vicinity of Public Works (Sir Alex. Campbell).

Bill (P) "An Act to amend the Act respecting the Central Prison for the Province of Ontario (Sir Alex. Campbell).

THE NORTH-WEST TROUBLES.

MOTION.

HON. MR. ALEXANDER moved

That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House a copy of the Instructions given to the three Commissioners appointed to proceed to the North-West, to enquire into and adjudicate upon the claims of the Half-Breeds and others in the Saskatchewan settlements.

He said: It may be observed that ever since the first intelligence reached us of the outbreak in the North-West, Parliament has been actuated by a loyal desire to postpone as long as possible any enquiry into the causes of the discontent, which has at last culminated in acts of rebellion and bloodshed. When open rebellion takes place, no matter whether it has been brought about by incapacity of

our rulers or not, it must, for the common safety and well-being, be instantaneously crushed by the united efforts of all, and law and order must be established. That is the first duty devolving upon us. But a not less important duty devolving upon Parliament, is to inform itself, by the most searching investigation, as to the grievances which led men to have recourse to arms. The public press have again and again shown that during the whole of last summer the Half-breeds and others around Prince Albert gave repeated manifestations of feeling, that they did not receive justice at the hands of the Ottawa Government. I understand that those Half-breeds are a shrewd class of men—descended on the one side from families of the Province of Quebec. And I further understand that such were the manifestations of discontent that a portion of the Mounted Police were required to be sent down by the Government to Fort Carlton. And we are further informed that last September or October, representations were made through the Anglican Bishop of the Saskatchewan, and Archbishop Tache, that there were then threatenings of outbreak by those Half-breeds if they did not receive from the Ottawa Government what they conceived to be justice, in regard to their land claims.

Now, I think that an imperative duty is resting upon Parliament to inform itself, by the most searching enquiry, what steps were then taken, or have since been taken, by the Government to have those disputed land claims adjudicated upon. With all the experience which we had before, of the Red River outbreak in 1869-70, arising very much in the same manner and from precisely similar causes, our Government ought to have felt that this was no matter to be treated lightly or in any way neglected. The most active steps should have been taken then, immediately upon the receipt of those representations from the heads of the churches in the North-West, and I consider it my duty to observe now that the adjudication of such disputed claims under the peculiar circumstances of those isolated settlements, and knowing as we do, the sympathy which is so likely to spring up amongst the Indian tribes around, who are often badly off for food—I say that such adjudication should not be left to any ordinary man or men who may perhaps have a knowledge of law and legal rights. The selection of such a commission should be made with the greatest care (and certainly demoralized politicians, whether lawyers or laymen, should not be placed on such an important trust)—I say such a commission should be composed of the most responsible men, instructed to adjust those claims in an equitable and even liberal spirit—and in such matters of dispute there should be no lawyers' quibbling or narrowness of spirit. At this moment in the country's progress, the person filling the office of Minister of the Interior should be a man in the prime of life, and one who would have an earnest sympathy with the position of those Indians—those untutored children of the forest, who from time immemorial have been accustomed to live upon the buffalo, and the fish of those inland waters. We ought not to forget that the inroads of civilization have marred and destroyed their hunting grounds; and no intelligent observer of mankind can fail to see that you cannot at once train the Indian to cultivate the soil. This must be the work of time; and many persons doubt whether that experiment will ever be a success—and such hold the opinion that the Indian race will gradually disappear from the earth. However this may be, we ought as a Christian people to act in the meantime kindly and mercifully by them. And I am sure it is never difficult to settle matters with the Indians. And as regarding those claims of the half-breeds at Prince Albert, why a few thousand acres of land would have removed all the discontent in that quarter, if the subject had been dealt with as it ought to have been, last autumn; and all the dread consequences of this outbreak have been averted.

I will in conclusion observe, that while every one deprecates rebellion, and men of all parties now unite with their whole strength to put it down, we are constrained to express the opinion, that the Government would appear to have treated this grave matter with the most culpable negligence, and hence the dire calamity which has befallen the country.

It is no agreeable duty, to have to refer to information elicited elsewhere, that while this rebellion was hatching and smouldering to such an extent as to alarm

those Bishops of the two churches in our North-West, the first Minister was obliged to confess that his Minister of the Interior went off to Europe for upwards of three months, not upon any public business but rumour says to obtain that rubbishy knighthood, while the first Minister professed to perform the duties of that Department, and there is a widespread feeling and conviction, that between them they have brought upon the country the greatest calamity that could have happened to it.

I will only in conclusion add, that I individually have not been surprised at what has transpired. I have for some time felt that the practises and methods pursued by the First Minister of our Government and his two leaders in this House, could not fail to bring some dire calamity upon the Dominion.

HON. MR. HAYTHORNE—I wish to call attention to a single epithet which the hon. gentleman applied to the word "knighthood." It seemed to me to be exceedingly unbecoming to allow such an expression to be used in this House without noticing it. It certainly would not tend to increase our dignity at home or abroad, and I shall therefore call the Speaker's attention to the word and see what his opinion is of it.

THE SPEAKER—I thought the remark of the hon. gentleman was offensive at the time, but no hon. gentleman rose to take exception, and no member having done so at the time it is now too late; but I certainly think it is most unbecoming to use such language in this House.

HON. MR. ALEXANDER — I am ready to withdraw any expression that may seem offensive to the House.

HON. GENTLEMEN—Withdraw it! Withdraw it!

HON. MR. ALEXANDER—I withdraw it.

HON. SIR ALEX. CAMPBELL—It would be better for the hon. gentlemen to withdraw the whole of his rubbish.

HON. MR. ALEXANDER—No.

HON. MR. SMITH—Well, it is rubbish.

HON. SIR DAVID MACPHERSON—It is the earnest desire of the Government to have a full discussion of everything connected with the unfortunate outbreak in the North-West at the earliest possible opportune moment, but that moment has not arrived, as, I am sure, every hon. gentleman in this House, with the single exception perhaps of the mover of this motion, will admit. Perhaps no member of the Government or of this House is as anxious as myself that that time should come. I will only add that there is no objection to the address.

The motion was agreed to.

SUMMARY PROCEEDINGS BEFORE MAGISTRATES BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (L) "An Act to make further provision respecting Summary Proceedings before Justices and other Magistrates."

HON. MR. GOWAN—After the very decided expression of opinion in the House upon the second clause, I do not desire to press for any alteration other than that which has been made, but I merely wish to correct a clerical error by striking out in the 14th line the word "therein" and inserting after the word "describe" in the 15th line, the following: "In the conviction, order or warrant." I move that these amendments be made.

HON. SIR ALEX. CAMPBELL—I think that would be a very good amendment, and I quite concur in the opinion that it should be made.

The motion was agreed to and the clause as amended was adopted.

HON. MR. GOWAN—The next clause reserved is the 3rd. The Minister of Justice made some objection to the adoption of illustrations.

HON. SIR ALEX. CAMPBELL—I withdraw those objections and I am quite

willing that the illustrations should go as part of the Bill.

HON. MR. GOWAN—I am quite prepared to show that such illustrations have been adopted in Imperial Acts and in some of our own.

The 3rd clause was adopted.

On the 6th clause,

HON. MR. GOWAN—This clause was amended by leaving the sum to be fixed by the court or judge. Now that will be found to be practically a denial of justice. It will prevent those who desire to appeal, and who are not possessed of large means, from doing so. It would be quite impossible to carry out such a provision, but if the clause is retained in its present shape I have no objection to strike it and the 10th clause out, and leave the appeal to be disposed of as now, according to the laws of the several provinces. If this clause, as altered, is to be retained, it must be left to the general order of the court, so as not to make an application necessary in every instance. The alteration which I would propose is this: to strike out the words "court or judge," and insert the following: "by general orders of the court having authority to quash any such conviction, order or proceeding." That would leave the particular tribunal in each province that had charge of it to make any general rules or orders that would be necessary to fix the amount, and they could do so, having reference to the amount of the penalty imposed—that is to say, if the penalty imposed is small, the security should be small, or if the imprisonment is for a short time the amount of the security should be small; but to say that the reference should be made to the court or judge on every case that certiorari is applied for would be a complete denial of justice. I myself would rather see the clause as it originally stood, but in deference to the strongly expressed opinion of the House I should like to alter it in such a way as to give practical effect to it. As it stands now it would have no practical effect, and would be for the poor man a complete denial of justice.

HON. SIR ALEX. CAMPBELL—If the clause is to be retained, and I think it should be retained, the amendment proposed by the hon. gentleman is good. Instead of driving the person who is concerned to apply to a court or judge to fix the amount for which security should be given, the court would be asked to fix it by general rule. I suppose a court would fix it in proportion to the fine imposed. That would leave the law open to a person who is interested in putting it in force, without compelling him to go before a judge in the first instance at his own expense. I think the clause should be retained because, although there is a law in Ontario and in other provinces, it is under the Imperial Act, and the amount mentioned in it is larger than the courts would be likely to fix.

HON. MR. DICKEY—I rise with some little hesitation to make a remark upon this particular clause of the Bill, because it is in the recollection of the House that the hon. gentleman who has charge of it, when I ventured to make a suggestion on the second reading, received my suggestion with very great impatience, and it was with difficulty that I could get him to consider the suggestion I was about to make. In the first place I said that the amount was exorbitant, and that it bore no proportion whatever to the gravity of the offence one way or the other. I also called his attention to the fact that there was already existing a section with regard to certiorari on the statute book. I am glad that my hon. friend from Ottawa has come in, because when I made that suggestion it was met by a peremptory statement from both sides of the House, from the hon. gentleman who had charge of the Bill, and from the hon. member from Ottawa, that that section had been repealed. I was bound to accept the answer to my suggestion, because I had not then an opportunity of consulting the Acts, but I have taken the opportunity to do so since, and I find that these gentlemen, while literally correct in a part of the statement, conveyed a wrong impression entirely. They stated that by the Act 33 Vic. which was in the year 1870, the year immediately after this Act was passed, this particular section was repealed. So it was; but the hon. members ought in

all candor to have told the House that that section, although it was repealed, was in that very Act re-enacted and made a part of the law. I was surprised; I am surprised now until I hear what explanation there is to it, that gentlemen who had the means of knowing and who stated that they particularly knew that this section was repealed by the Act passed in 1870, withheld from the House the knowledge which they possessed, and which I did not, that although that Act was strictly speaking repealed, it was repealed as is often done, for the purpose of moving another section in substitution for it. I have the Act before me, and I will just call the attention of the House to the law, not as it was made in 1870, but as it is to-day, and as it is in the consolidation of the statutes which has been in our hands for several weeks.

The section to which I call attention, in the original Act, was to this effect:—

"No conviction, or order or adjudication made in appeal therefrom, shall be quashed for want of form, or be removed by certiorari into any of Her Majesty's Superior Courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party had been convicted and there be a good and valid conviction to sustain the same."

This was amended; how? The 71st section of the Act of 1869 is repealed by the 2nd section of the Act of 1870, and the following is substituted therefor:—

HON. MR. SCOTT—Hear, hear.

HON. MR. DICKEY—My hon. friend says "hear, hear," but I should like him to explain to the House why he did not point that out before. Here is a subsequent section on the face of the statute of 1870, which the hon. gentleman who had looked into this matter and who has charge of this Bill ought to have known, and ought to have stated to the House. And what is that section? Except in the first line it is absolutely a literal transcript of the 71st section of the Act of 1869. It reads "no conviction, or order affirmed or affirmed and amended, in appeal shall be quashed for want of form, &c." That expression "affirmed and amended" seems to have been left out in the Act of 1869, and was introduced as an amendment in 1870. That is the whole amendment that was made, and that I say is the law of the land to-day. I rose to ask particularly where was the necessity for this legislation, and if there was not an existing law already applicable to this matter, and when I put the question, my hon. friend said "no, it has been repealed." That was a good answer, but it turns out not to be correct, and it only shows the necessity of inspecting those things from the bottom and from the beginning. We find now, after this matter has been before the House on several occasions, that we have an entirely different Bill from the measure first presented to us—a Bill which my hon. friend himself would scarcely know as his own—with three or four new sections added to it, and the others greatly amended, and I think very much improved, because take this section that I am now talking about, as it now stands, and I do not hesitate to say that the amendment which has been made to it in the direction of the contention of the 2nd reading has removed entirely the objection which I had to it. It is because it makes it exactly what the law now is in my own province, and I believe in the other provinces, that the amount of security shall be left to the discretion of the court to which the appeal is to be taken, and that it shall not be a fixed inelastic amount, but one in proportion to the gravity of the offence. I took the opportunity of calling the attention of the House to it, not with a view of putting my hon. friend in a false position, but with the object of showing the necessity for those inquiries and those suggestions being made in the course of our proceedings, and when the hon. gentleman becomes a little more accustomed to the procedure of this House he will find that we all of us, like the leader of the House, are gratified to have suggestions made to us from time to time.

HON. MR. GOWAN—I take in good part the lecture that the hon. gentleman from Amherst has been kind enough to give me. I dare say I deserve it in part, as I may not be able in the remarks I make to do justice to my own conception of matters that come before the House, nor am I as familiar with the procedure of the House as he is; therefore I no doubt have deserved the lecture, and I take it in

good part; but I entirely disclaim any intention on my part to deceive the House, nor did I assert or attempt to assert that clause 71, in the Act of 1869, was not replaced by another in the amending Act. I heard imperfectly what my hon friend said, and spoke perhaps not with the same accuracy that he is capable of when speaking, but I certainly never intended to convey to this House that another clause was not substituted in the Act of 1870 for the clause in the Act of 1869 that was repealed. All I contend is this, that the Statute of George II still regulates the securities to be given in Ontario, and that that clause has relation, according to the way I view it, to matters amended on appeal. There are two remedies; first the remedy of appeal to the sessions when the case is examined and determined upon on the merits, and to that, after having been so dealt with and brought up on certiorari, this would apply "No conviction or order or adjudication made in appeal therefrom, shall be quashed for want of form." That does not touch the case of convictions that have been appealed to the sessions. That has no relation whatever to such cases. The cases covered by this bill would be brought up directly before the Superior Court. They may be brought under a *habeas corpus*, or on a writ of *mandamus*. If the judge orders papers to be up under special provision, I think it is in 32 Vic. no security is necessary at all; but if a certiorari is sued out and papers brought up no order being given by the judge to bring up those papers from the court below then security is necessary. Now this does not relate to a case that has been dealt with by the sessions. So that while my hon. friend is strictly correct in part, it does not touch the class of cases that are to be dealt with in this Bill. I am exceedingly obliged to my hon. friend for the lecture he has been kind enough to give me, and as a young member I hope to profit by it, but I entirely repudiate any idea of an attempt on my part to deceive the House.

Hon. Mr. SCOTT—My hon. friend behind me is under an extraordinary misconception, and I think the House thoroughly understood the point. It was urged that where you went to appeal you could not quash the convictions for mere want of form. That is a true statement. This Bill of my hon. friend has reference to cases that do not go to appeal. I cannot see where there is any misconception on the point. It was stated in the House that this clause of the Act in 1869 was repealed by the Act of the following year. Both Acts sustain what was urged then, that cases that go to appeal before justices can be quashed for want of formality. But this does not relate to any such cases. Why should there be a distinction? Surely the judge of the higher court is quite as capable of forming an opinion as to the merits of a conviction as the justices of the sessions, who have the right to amend. There was not an opportunity for misconception on this point. In one case they could not bring it up by certiorari, because the justices had the power to amend or correct it. If a party moves against a conviction where it does not go to appeal, then the courts were bound on the mere matter of form to quash the convictions, and that is what I understand this Bill is intended to provide against.

Hon. Mr. DICKEY.—The hon. gentleman is entirely mistaken again.

Hon. Mr. SCOTT.—I fail to see it.

Hon. Mr. DICKEY.—The hon. gentleman has not answered the point I made at all—that I was told that that section was repealed.

Hon. Mr. SCOTT—Where conviction is moved against without going to appeal.

Hon. Mr. DICKEY.—It is very singular that my hon. friend should find so much difficulty in explaining his views on this point, because he is entirely wrong again. The section reads in this way—this is the original section in the Act of 1869 which he says did not contain any provision of that kind—the 71st section; it says "no conviction"—that is no conviction where a party has been convicted —"or order or adjudication made in appeal therefrom shall be quashed for want of form, &c." So it applies in both cases; it applies to the conviction, and it applies also to the order where the action is taken upon appeal.

HON. MR. SCOTT—It is not an interpretation put upon it by our courts.

HON. MR. DICKEY—Then the Act of 1870 makes it a little larger, because it applies it to cases where it is "affirmed" or "denied" in appeal. My contention was that there is already a law upon this subject, a more stringent law than the one my hon. friend has introduced with regard to *certiorari;* that is the *certiorari* by this section was taken away altogether, but I was told "O! that section is repealed!" My contention, and I was supported in it by my hon. friend from Halifax, was that it was not repealed.

HON. MR. GOWAN—I am exceedingly sorry that the hon. gentleman has taken that view of the matter. I certainly never intended to convey that impression, and I understood my hon. friend from Ottawa to present the same view that I did. The clause of the Act of 1870 reads: "No conviction or order affirmed, or affirmed and amended in appeal, etc." The whole is descriptive, and the marginal note shows at all events what the person who prepared it thought when he drafted it:—

"No conviction approved may be removed by certiorari etc."

HON. MR. SCOTT—Perhaps my hon. friend from Amherst may be right in his contention, but certainly under the interpretation given to this Statute for the last 14 years by the Courts of Ontario, the clause in this Bill and the clause in the Statute of 1870 do not relate to the same cases at all.

HON. MR. POWER—I hope that the hon. gentleman from Barrie will have no objection to accept a slight additional amendment. There are a great many cases such as were referred to by the hon. gentleman from Lunenburg when we were in committee on this Bill before, where the accused may find it inconvenient to give security, but where he is in a position to make a deposit. I think there can be no objection to inserting a provision that the Court may accept a deposit instead of recognizance. The amendment I propose is to insert the words "or to have made a deposit of a sum to be fixed in like manner."

HON. MR. GOWAN—I gladly accept it, and only that I trembled at the possibility of generating discussions, I would have proposed it myself.

On the 7th clause.

HON. MR. POWER—I do not rise to oppose the 7th section, but I have some doubt as to the wisdom of doing away with the right of certiorari even where there has been an appeal. This writ of certiorari is one of prerogative, and occasionally injustice is done even on appeal, and I have a good deal of doubt as to whether it is a wise thing to take away this right to sue out a writ of certiorari, even where the case has been decided on appeal. I quite agree that it is undesirable that the two should go on together, but if the appeal has been decided one way I think it is doubtful whether the party should not have the right of certio rari afterwards.

HON. MR. KAULBACH—I hope my hon. friend will not press that. It seems to me that it is only provoking litigation unnecessarily, because if there is an appeal purely on the merits, a man who does not wish to take technical objections should be satisfied with the result. Having sufficient choice of appeal, I think a man should be bound by the results.

The clause was adopted.

HON. MR. McCLELAN, from the Committee, reported the Bill with amendments which were concurred in.

HON. MR. GOWAN — The Bill has been very fully discussed and I would suggest that it be read the third time now.

HON. MR. POWER—I do not propose to suggest any more amendments to this Bill. I merely rise to object to its being read the third time presently. The order in a great many parliamentary bodies—it is not so in our House—is that, when a Bill has been amended as this has been, the amendments be engrossed, and I know that in certain cases this session inconvenience has arisen from ordering the third reading forthwith after reporting the Bill from committee. It is very in-

convenient to find out after a Bill has been read the third time that the amendments have not been made as intended. I think it is better that the third reading of this Bill should take place to-morrow.

HON. MR. GOWAN—I have no objection to postponing the third reading, but I have noticed in at least six cases this session that the third reading took place on the same day that the bills were reported from committee.

The third reading was fixed for to-morrow.

LUTHERAN CHURCH SYNOD BILL.

SECOND READING.

HON. MR. McCLELAN moved the second reading of Bill (60) "An Act to incorporate the Synod of the Evangelical Lutheran Church of Canada."

HON. SIR ALEX. CAMPBELL—There are one or two points in this Bill to which I wish to draw the attention of the hon. gentleman who has charge of it, or the committee to whom it is to be referred. The third clause empowers the synod to make regulations for enforcing discipline, etc. It does not say that these regulations are to be approved of in any way by any body in the denomination or any body outside of the denomination. Might it not be possible, under such circumstances, that regulations might be made which would be harsh and ought not to exist? Another clause is with reference to real estate which the corporation may hold. Generally there is some limit placed to that. There is no limit in this Bill. Another provision in the 5th clause is unusual; that is with reference to mortgages. Perhaps my hon. friend will refer the Bill to the Private Bills Committee.

HON. MR. McCLELAN—Yes, I intend to refer it to the Committee on Standing Orders and Private Bills.

HON. SIR ALEX. CAMPBELL—I will send my hon. friend a memorandum on the subject between now and the time the Bill goes before the Private Bills Committee.

The motion was agreed to and the Bill was read the second time.

ALBERTA AND ATHABASKA RAILWAY COMPANY'S BILL.

SECOND READING.

The order of the day having been called for the second reading of Bill (73) "An Act to incorporate the Alberta and Athabaska Railway Company."

HON. MR. VIDAL said—Prior to moving the second reading of this Bill I have taken the precaution to inquire if the petition has been properly reported upon. I find it has not been reported upon, and I therefore move that the order of the day be discharged and that it stand for the second reading on Friday next.

The motion was agreed to.

INSOLVENT BANKS AND TRADING CORPORATIONS BILL.

THIRD READING.

The House resolved itself into a committee of the whole on Bill (N) "An Act to further amend 'An Act respecting insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations.'"

In the Committee.

HON. MR. SCOTT—The third clause of the Bill is the important one. It relates to privileged claims of clerks and other employes of insolvent companies; at the same time it authorizes the parties having charge of the winding up of such institutions to avail themselves of the services of such clerks and employes, which would often be a great advantage.

HON. MR. POWER—The first section of the Act which my hon. friend's Bill proposes to amend was repealed by an Act introduced I think by the Minister of Justice last year, chap. 39 of the Acts of

1884. It repeals the first section of the Act which is proposed to be amended by this Bill, and substitutes another section which alters the application of that Act. The question that occurred to me was whether without any reference to this Act of last year the Bill of the hon. gentleman from Ottawa would apply to the Act as amended. My own view is that it would, but I should like to ask the Minister of Justice what his opinion is. It will not be necessary I presume to insert section 60 of that Act as amended by the other?

HON. SIR ALEX. CAMPBELL—I should think not.

HON. MR. SCOTT—It applies to the Act with all its amendments.

HON. MR. VIDAL, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

MARITIME COURT OF ONTARIO JURISDICTION BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (11) "An Act to amend the jurisdiction of the Maritime Court of Ontario."

HON. MR. TURNER—I propose to alter the first clause of the Bill a little by striking out in the second line after "equipping" the word "or" and insert after "repairing" "the material supplied for such purposes."

HON. SIR ALEX. CAMPBELL—That would limit the materials to those supplied for building, equipping or repairing?

HON. MR. TURNER—Yes. Then the word "necessaries" in the last line I propose to change for the word "material."

HON. MR. KAULBACH—I must dissent from part of the Bill, but it being an Ontario matter, I do not press my objection so strongly as I would if it affected the Maritime Provinces, but it seems to me that this legislation is not to be approved of. I do not think it is in the interest of the shipowner or the man who has money involved in a ship. It is giving to certain persons a first lien upon a vessel on which there may be existing claims. Now these hypothecation claims are not called for as in former times. Of course on the lakes of Ontario the owner of a vessel can always be within call. Letters and telegrams could be sent to him. Originally when these rights were given there were no railways or telegraphs, and to grant such a right now is not in the interests of shipping or bona fide creditors who have liens on vessels. It is something which should not be entertained, except for necessaries, in order to enable a ship to complete the voyage she is on. It gives power to the master of a vessel to go to a port, and without it being necessary, make any repairs he may think proper, and the cost of these repairs would be a first lien on the vessel. It might be a lien made without the approval or knowledge of the owners. The Bill is one that is in the interests of ship-chandlers and merchants, to enable them to bring big bills against the owners of vessels. I do not think this Bill has sprung from a proper source, and the lien should be limited to necessaries for the voyage the vessel may be engaged upon.

HON. SIR ALEX. CAMPELL—My hon. friend will see it is for vessels in Ontario, and they do not go on long voyages. I think the Bill, as amended, is safe and should be passed. It does not give a lien for grocers' bills or anything of that kind, but only for repairs to vessels and materials used in those repairs. The lien is confined to that.

HON. MR. KAULBACH—Necessary repairs?

HON. SIR ALEX. CAMPBELL—Not necessary for particular voyages. The voyages the hon. gentleman has in his mind are to the West Indies and other distant places; but the voyages in Ontario waters are short, as for instance from Owen Sound to Buffalo, and would hardly be called a voyage, but rather a trip. If a vessel is repaired and thereby improved or equipped and made more seaworthy, I think for such improvement it is reason-

able there should be a lien. If the word "necessary" was introduced, who is to judge of the necessity? The master of the vessel must judge, or the owner, if he is there, and would not that be exposing the builder or person who makes the repairs to undue risk when it is necessary for him to establish that the repairs were necessary? They might not be necessary for keeping the vessel afloat in the same sense that they would be if made to an ocean-going vessel. It seems to me it is safe enough if the lien is confined to building, equipping, or repairing.

HON. MR. KAULBACH—My contention is just this: it is necessary if you cannot get the owner of the vessel, but in the case of vessels on the lakes it is easy to consult the owner of the vessel. A first lien to take precedence of mortgages on vessels should not be given unless in case of emergency, and where the owner cannot be got at. The order of the owner can easily be got if anything important is wanted.

HON. SIR ALEX. CAMPBELL—Suppose we put the word "necessary" and limit it to repairs, and the lien shall be for building, equipping or necessary repairs. The building is distinct; we know what that is; and we know what equipping is, and therefore if you say "necessary repairs" it will be enough.

HON. MR. RYAN—Who is to judge of that? As I understand, this applies to all vessels going into the ports of Ontario. By this Bill you subject the owners of vessels who have, unfortunately, perhaps incompetent or bad captains, to the danger of such men allowing repairs of an exorbitant nature to be made on a ship, and there should be some means of checking such captains.

HON. SIR ALEX. CAMPBELL—I say "necessary repairs."

HON. MR. RYAN—Who is to decide whether they are necessary or not?

HON SIR ALEX. CAMPBELL—The man who makes the repairs must see that they are necessary.

HON. MR. RYAN—This Bill is in the interest of persons who furnish supplies in Ontario, and it gives them facilities for getting orders of that sort, and being secured for the expenses they have been put to, but it places the owner of the vessel completely at the mercy of his captain, and we all know that there are very inferior captains sometimes, particularly those who go on short voyages.

HON. MR. GOWAN—I am exceedingly sorry to differ from the hon. member from Lunenburg, who has had considerable experience in those matters, and the last speaker, but I cannot see any injurious effects that can arise from this Bill. The law at present is this: the common law would apply to cases of this kind, and the captain certainly, under the common law rule, would have the right to put himself in the position and be in the position of an agent for the owner. He goes in and orders repairs to be made, and repairs are effected on the ship. Under the law as it now stands that vessel could be detained, but it could not be sold. In precisely the same way, if a waggon was brought to a waggon-maker's shop, and certain repairs were made to it, the waggon might be retained, but it could not be sold. In the same way, distress could formerly be made for rent, but the property could not be sold. I cannot see any possible injury that could arise under this Bill, and I know two cases of great hardship where parties have suffered severe loss. One was a case in the dry-dock of Owen Sound where large repairs were made to a ship, and then it was discovered that the owner was worthless, and nothing could be recovered. They retained the ship, and it lies there this moment, and will probably lie there until it rots. I know another case where a ship carpenter at Collingwood expended some $1,800 on a vessel which he allowed to go out of his possession, and he has lost his claim. While I would be sorry to give a first lien for supplies furnished to a vessel, I think that anything done to the vessel itself which improves it, the owners ought to be obliged to pay for. Beyond that the captain would certainly have no right; but so far as that is concerned, under the common law, as it exists, he would have to be considered, and would, in point of fact, be the

agent of the owner for the purpose of having the necessary repairs done, and when they were done the only remedy of the party accomplishing the work would be to detain the vessel. This Bill simply gives him the power of sale.

HON. SIR ALEX. CAMPBELL—How would it do to restrict it, as regards repairs, to repairs done by authority of the owner? Because the owner is within the province; I think there is no objection to that.

HON. MR. KAULBACH—No there is no objection to that.

HON. MR. TURNER—I think there is a serious objection to that. You could not get hold of the owner.

HON. SIR ALEX. CAMPBELL—Why not?

HON. MR. TURNER—Suppose the repairs are made in a place where there is no telegraph office?

HON. SIR ALEX. CAMPBELL—It is always possible to communicate by letter.

HON. MR. TURNER—There might not be time. The gentlemen from the Lower Provinces should remember that our seasons are very short, and towards the close of the season a delay of a few hours may be a matter of very serious consequence to a vessel.

HON. SIR ALEX. CAMPBELL—I do not see any difficulty in communicating with the owner. How can there be any difficulty?

HON. MR. TURNER—Suppose there are 64 owners; you cannot communicate with the whole of them.

HON. SIR ALEX. CAMPBEELL—But you can communicate with the ship's husband?

HON. MR. TURNER—The captain is the agent of the owner. He certainly is not going to do anything for that owner but what the vessel requires. If he does, the owner knows how to deal with the captain. No serious injury can be done under the circumstances.

HON. MR. SMITH—It may be too late to prevent injury. In this Bill, as it now stands, you put the whole power in the hands of the captain, and it may be too late before the owner gets any information about it, and the captain may do a great deal of harm. When vessels do not go on long voyages it is very easy to reach the president of the vessel or somebody in charge for the owners, but no captain ought to have power to put any expense he pleases on a vessel without the consent of the owner. My attention was drawn to this subject last Saturday, and I was requested to be sure to be here to-day and direct the attention of the leader of the House to this particular point. I think it is better that the sanction of the owner should be required, and then there can be no hardship whatever to anybody.

HON. MR. HOWLAN—This is no new measure. It was introduced here six or eight years ago. Now, what excuse can there be for giving such a lien in the Province of Ontario? You have telegraph wires all over the Province and daily mails in every direction, and why should you empower any rascally captain to give a lien on a property in which he has no ownership? The Bill is the greatest outrage I ever knew, and it is advocated here on the miserable excuse that there may be sixty-four owners and the whole of them could not be communicated with; but where there are several owners there is always a ship's husband to whom application can be made. There is no Act of Parliament to compel a man to put his material into the repairing of a ship: he does it as a matter of business, and he should see that he is safe in doing so. If the master of a ship calls upon him to make repairs to the extent of $1,000 or $1,500 it is an important item, and before entering into such a contract he should consult with the ship's husband by letter or by telegraph. He could have a prompt reply and no harm could come to the ship in the meantime. I think it is an outrageous thing to allow the captain of a ship to give a lien on a vessel that he does not own. I have known the master of a ship to take off the sails in New

York harbor and sell them and procure new sails at the expense of the owner, and I have known men to lose their ships through the actions of their captains. This Bill would give further facilities for robbery and villiany. It would assist a rascally captain with a rascally ship carpenter or ship broker, to rob a vessel owner.

HON. MR. DICKEY—I do not see why there should be any difficulty about the matter, because the rule which has been referred to about the power of captains is a rule resulting from necessity where captains are with vessels in distant ports and it is impossible to communicate with the owners. The captain is necessarily an agent, but only under those exceptional circumstances.

HON. MR. HOWLAN—Not in the home port.

HON. MR. DICKEY—The same rule does not apply to inland navigation, the owners being accessible. The reason of the rule ceasing, I think the rule itself ought to cease with regard to that. Therefore, you ought not to apply the same rule to vessels navigating inland waters that you do to ocean going ships. The rule was established from the necessity of things, long before the days of cables, so that it is only because it is an absolute necessity that it has been introduced ; but where there is no necessity the reason for the rule ceases, and the rule should not be the same. With regard to the owner you might qualify that by saying "the owner or his agent."

HON. MR. KAULBACH—It not only affects the owner, but the vessel may be mortgaged to its full value and you would deprive the mortagee of his rights.

HON. SIR ALEX. CAMPBELL—I would suggest to introduce these words "repairing with the authority of the owner." That would make it quite clear. It also would meet the suggestion of the hon. member from Amherst, because if there was an agent who had authority he would do. We must take care and limit the matter to the original idea, which is materials supplied for repairs. "With the authority of the owner" would include every way of getting authority, by an agent, by letter or by telegram.

HON. MR. POWER—I was under the impression that with the amendment suggested a moment ago, the clause could not do much harm. It limited the lien to fitting, equipping and necessary repairs. The repairs would have to be shown to be necessary. I do not see any good reason why there should not be a lien.

HON. MR. DICKEY—This makes it more extensive.

HON. MR. POWER—I know it does, but those repairs are sometimes made by people who would not be very familiar with the latest legislation on the subject, and a mechanic may make repairs on a vessel which are absolutely necessary, and do them under instructions from the captain, and then, when he comes to look for his pay he has this enactment held up to him, and he is told that he ought to have seen that the captain had authority from the owner to order the work. I think if the repairs that are made are necessary repairs, then the man who makes them should have a lien.

HON. SIR ALEX. CAMPBELL—Who is to judge of the necessity for the repairs ?

HON. MR. POWER—The Court will judge of the necessity.

HON. SIR ALEX. CAMPBELL—The only answer to that is to get the authority of the owner.

HON. MR. GOWAN—A good many of the vessels in the northeastern ports of Lake Huron are owned by persons residing in the United States and in various parts of this country, and there would be a great deal of difficulty in getting their assent.

HON. MR. POWER moved that the Committee rise and report progress, and ask leave to sit again to-morrow.

HON. MR. ALLAN, from the Committee, reported that they had made some

progress with the Bill, and asked leave to sit again.

The report was received, and the motion was adopted.

The Senate adjourned at 5 p.m.

THE SENATE.

Ottawa, Tuesday, April 14th, 1885.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills were reported from the Committee on Banking and Commerce, read the third time, and passed without debate :—

Bill (15) "An Act to continue an Act respecting the Albion Mines Savings Bank."—(Mr. Allan.)

Bill (49) "An Act to incorporate the Pension Fund Society of the Bank of Montreal."—(Mr. Ryan.)

Bill (48) "An Act respecting the Annuity and Guarantee Funds Society of the Bank of Montreal."—(Mr. Ryan.)

THE HALIFAX VOLUNTEERS.

HON. MR. POWER—Before the orders of the day are called, I wish to call the attention of the Government to the experience of the Halifax volunteers on their way to the West. The volunteers got their breakfast, as I am informed, at Point Levis yesterday morning. The newspapers stated, and I suppose stated correctly, that arrangements had been made in Montreal to give the battalion dinner at that city. They did not get their dinner there. They were detained at Montreal, or in the immediate neighborhood of Montreal, for I think some two hours. They got nothing to eat, it is stated, because the officer in command was informed that the orders from headquarters were that they should push on at once. I cannot myself imagine that the intention of the Department was that they were to be pushed on in a such haste that the men should not be afforded an opportunity of having a necessary meal, and in fact they were not pushed on with any speed. They were detained, as I said, some two hours in Montreal, and they were a long time on the journey to Ottawa. Friends of the volunteers had no accurate information as to when they were to be here. They were not informed either that the volunteers had not their dinner *en route;* and the consequence was that when they got here at half-past eleven last night no arrangements were made to give them a meal in Ottawa. The consequence of that was that those men had nothing to eat from the time they got breakfast at Point Levis yesterday morning until they got breakfast at Carleton Place this morning. I think there is some serious blame resting somewhere for that hardship. Those men will have to undergo a severe trial of endurance on the march around Lake Superior, and it is most desirable that they should be in the best possible condition to commence that march; and no worse preparation can be made for undergoing that kind of hardship than to be without regular meals, and to go 24 hours without eating anything. I do not wish to be understood as saying that the Government are to blame for the neglect; but I call the attention of the Government to the matter, in the hope that they will be able to explain how the mishap occurred, and whether the responsibility rests with the Militia Department or with the Grand Trunk Railway Co.

HON. MR. KAULBACH—What my hon. friend says is quite correct. I went to the station last night, with some of my hon. friends from Nova Scotia, to give the Halifax men a cordial welcome on their arrival. I learned, as my hon. friend did, that from 8 o'clock in the morning until their arrival here at half-past eleven at night they had had nothing to eat. Like true soldiers they made no complaint, but still they were weak from hunger. As my hon. friend from Halifax says, they will have enough fatigue and suffering in passing north of Lake Superior, and in the North-West, without having to endure discomfort and hardship needlessly. My hon. friend from Amherst postponed some remarks he desired to make here, wishing to be at the

station in time to meet our friends from Nova Scotia. The information we got was very uncertain. I went up at 8 o'clock, and the only way I could learn anything was by telegraphing myself, and I found at half-past eight that the troops were 30 miles from the station.

HON. MR. OGILVIE—As a representative from Montreal, I wish to say that I have private information that our new mayor, Mr. Beaugrand, a gentleman from whom I differ in politics, but a very fine man whom I admire very much, had a capital meal ready for the whole force on their arrival at Montreal. As to why or how they did not partake of the meal, I cannot give any explanation.

HON. SIR ALEX. CAMPBELL—I am unable to give any explanation. I regret that the incident occurred. I will inquire of the Minister of Militia what the cause was, and inform my hon. friends of his reply to-morrow.

SUMMARY PROCEEDINGS BEFORE MAGISTRATES BILL.

THIRD READING.

HON. MR. GOWAN moved the third reading of Bill (L) "An Act to make further provision respecting summary proceedings before Justices of the Peace and other Magistrates."

The motion was agreed to and the Bill was read the third time and passed.

BRIDGES AND BOOMS, NAVIGABLE WATERS, BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (101), "An Act to amend the law respecting Bridges, Booms and other Works constructed over or in Navigable Waters, under the authority of Provincial Acts." He said: This is a Bill to enable the Governor in Council from time to time to make, revoke or alter such orders or regulations as he deems expedient for the purpose of maintaining existing facilities for navigation, or for securing better facilities therefor, respecting any work to which either of the said Acts applies. The 9th section of the Act is amended by striking out "or the River St. John."

The motion was agreed to and the Bill was read the second time.

DEPARTMENT OF SECRETARY OF STATE BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (102) "An Act to amend the Acts respecting the Department of the Secretary of State."

He said—This Bill contains no provisions of any moment. It is for the purpose of enabling the Secretary of State to be called the Registrar General. It seems that in foreign countries the certificates which come from the Secretary of State are in some cases described as coming from the Registrar General, and difficulties have occurred in consequence. The object of this Bill is to enable him to sign in either capacity.

HON. MR. POWER—Unless the Bill was amended in the other House there is a second clause, to which the Minister has not referred, which is of some consequence. It provides for the appointment of an officer to be known as the Deputy Registrar General. I should like to know whether it is proposed to appoint a new officer, or to empower one of the existing officers of the Department to discharge the duties of the Deputy Registrar General.

HON. SIR ALEX. CAMPBELL—Simply to authorize one of the existing officers of the department to discharge the duties.

The motion was agreed to and the Bill was read the second time.

CENTRAL BANK OF NEW BRUNSWICK BILL.

SECOND READING.

HON. MR. WARK moved the second reading of Bill (40) "An Act respecting the Central Bank of New Brunswick." He said—This Bill relates to an important

institution that went out of existence a quarter of a century ago, and I had thought its affairs were all settled and wound up long ago The president and several of the directors have died ; there are only three directors remaining, and they want authority to dispose of some little assets. The debts are all paid up.

HON. MR. BOTSFORD—I would ask the hon. gentleman what the assets consist of ?

HON. MR. WARK—I do not know ; they are very trifling.

The motion was agreed to, and the Bill was read the second time.

INDUSTRIES AND MANUFACTURES OF THE DOMINION.

THE DEBATE CONTINUED.

The order of the day having been called for resuming the debate on Hon. Mr. Macdonald's motion, viz.:—

That he will call attention to the report of the Commission issued by the Government last year to enquire into the effect of the Tariff of 1879, on the Industries and Manufactures of the country, and will ask the Government whether the Report will be furnished to Members of the Senate and a certain number to the country ?

HON. MR. FLINT said—I am well aware that this subject, which is now before the House, has been so much debated and so much has been said in reference to it, that it might be considered as worn threadbare. I have, however, taken upon myself to speak for a short time on the question as it touches upon our National Policy, and what I consider to be the best interests of our country. A great deal has been said with reference to Free Trade, and it has been argued that a Free Trade Policy would be better for our country. We have been told that because England pursued a policy of Free Trade, therefore Canada should also adopt it, instead of levying heavy duties such as have been imposed on imports to enable us to manufacture in our own country. England being a very rich country, and able to protect herself, supposed that in adopting Free Trade she would naturally carry other countries with her. But British statesmen have found out that they have as yet carried no country with them throughout the whole length and breadth of the world. Their example has had no effect on any other nation, consequently they stand alone in their Free Trade Policy to-day. Notwithstanding the fact that we are a portion of the British Empire, we are permitted to make such laws as we think are most beneficial to ourselves. It may be considered very liberal on the part of the British Government to allow us that privilege, but they have done so. I believe they look upon Canada as being one of the brightest gems in the British Crown, and consequently they have no desire to interfere with our internal arrangements, and what we feel to be for the good of our country. I listened with great attention, not only to the hon. gentleman from Victoria who introduced this question, but to others who have spoken upon it from time to time, and I think there has been a great deal of needless repetition. As far as I am concerned, I shall endeavor to confine myself to such remarks as I think are necessary on this question. In the first place, I take up the speech of the hon. Member from Ottawa. I am sorry that he is not in his place, but that is no fault of mine—

HON. MR. ALEXANDER—He is never in his place.

HON. MR. FLINT—Yes he is ; it is no fault of mine that the hon. gentleman is not in his place to-day, but I wish to deal with some facts that he professed to introduce in his speech in answer to the hon. member from Victoria. Referring to the stocks of manufacturing enterprises, he said :—

"Taking up the *Journal of Commerce* of February 27th, I find the stocks of some of the most favored industries quoted as follows: The Canada Cotton Company's stock stands at 25 cents in the dollar ; the Dundas Cotton Factory, 30 cents in the dollar; the Hudon Cotton Factory, a large concern with a capital of $2,000,000, stands a little higher, 65 and something in the dollar. Here is one of those industries, the Nova Scotia Sugar Refinery; I find its stock quoted at 25 cents in the dollar, What has become of the other 75 cents?

Now I am sure that that hon. gentleman knows enough about the trade of the country to understand very well what has

become of some of this money. It has been lost, but if those are the only losses in the country since 1879, how was it before we had this National Policy? How many industries in our country suffered for years and years before the National Policy came into existence? Take the lumbering industry as an illustration. It suffered from time to time very seriously, and many men of large as well as men of small means engaged in it had to go to the wall. The consequence was that many were ruined, but we did not say that it was the effect of the National Policy, because there was no such policy in operation at that time. It was the effect of over-trading—over-production. How was it as regards the square timber interest? Quebec had been flooded from time to time with square timber and the consequence was that prices fell so rapidly that many persons engaged in the business were totally ruined Whose fault was it? It was brought about by over-production—the fault of those who were engaged in the business, which caused the supply to be so much greater than the demand that prices had to go down ruinously low. I may speak freely and feelingly on this subject from the fact that I have lost largely in square timber and sawn lumber myself. I lost large sums of money, even before the National Policycame into existence, in the timber trade, and I might as well turn round and charge those losses on the National Policy before it came into existence as to charge any depression inthat trade to the National Policy at the present time. The cause is not the National Policy, but over-trading and over-producing on the part of those who are engaged in business; and if they see fit to pursue that policy, whether it be in timber, lumber, cotton, sugar or any other product, if the supply is made to exceed the demand, the producers must naturally expect to take the consequences. It is true that the National Policy has had the effect of building up industries in this country that we did not have before; still that does not affect the law of supply and demand, and I know of no industry built up since the National Policy came into existence that has failed because of the National Policy; if there has been any failure or loss it is because of the want of demand for the supplies that have been produced. So it will be until the end of time—the supply and demand must govern trade as regards our manufactures or anything else we have to sell. The same law affects the farmer and the mechanic. If the mechanic has no work—if there is not a sufficient number of buildings for him to construct—he must lie idle. If the farmer cannot get remunerative prices for his produce he must take the prices that are going, and it is not the fault of the policy of the country, but the effect of a large crop and a greater supply than there was the year before, and the want of a demand for the surplus produce. In reference to the sugar refining industry the same rule applies. I do not find any fault with the National Policy because sugar refineries stock went down 75 cents on the dollar. I think it is mismanagement to a great extent that has been the cause of it. Those manufacturies are gotten up by men who have a large surplus of capital on hand. They think they can make money out of such ventures, and go into them blind-fold and put their money into businesses that they do not understand; and therefore they must fail; but in failing they have no right to turn round and say it was the effect of the National Policy. The hon. gentleman from Ottawa, speaking in reference to this policy says:

"I say there never was so infamous and disgraceful a tarift established in any country, never one which discriminated so unfairly."

Now, I think that is a bold assertion.

HON. MR. BOTSFORD.—Hear, hear!

HON. MR. FLINT.—It is an assertion which, I think, the hon. gentleman cannot prove, and therefore I think it would be better if he had left it out of the question. He goes on to say:—

"It is quite proper for the hon. gentleman from Niagara to say hear, hear, because what I say I can emphatically prove if I choose to go into it."

Then why did he not go into it? There was plenty of time for him to have gone into the proof which was necessary in order to set us right, but he has not done so; he makes a bold assertion and leaves it without proof, for I have looked all through the hon. gentleman's speech and have failed to find in any one respect

proof of any of these assertions which he has made. He says further,

"I am speaking now on the broad principle of all tariffs; the tariff of the United States has been as great a curse to that country as ours has been to Canada."

Where is the proof? I cannot find any proof that it has been a curse to that country. If it is a curse to the United States why do they keep it up? It is said that in 1880 there were employed in manufactures in the United States 3,837,112 operatives; in mechanical and mining pursuits, 2,738,930, and in agriculture 7,670,493.

Now, is it to be supposed if those agriculturists were taxed so much higher, or if they had to pay so much more for the goods that they were purchasing than they had to do before the high tariff, that they would not rise in their might and put down this protective tariff and those monopolies? The very fact that they have not done so is quite sufficient to convince me that the hon. gentleman has been altogether mistaken in saying that the protective tariff has been a curse to the United States; for if it were, under the present administration, if not under the previous one, they would naturally come to the conclusion that it was time to change their policy and do away with the protection which their native industries have hitherto enjoyed. But will they do it? I say they will not. We do not see anything to indicate that they will. The United States know too well what they are about to abolish that which they believe is making them a great and powerful nation, and consequently they will not adopt a policy which will in any way tend towards destroying their prosperity. The same argument may be applied to Canada to-day. I do not see why the National Policy should be considered a curse to Canada, when a protective policy has not been a curse to the United States. The hon. gentleman from Ottawa in speaking on that point said that 90 per cent. of the people in Canada are taxed for the benefit of the 10 per cent. that are manufacturing, or words to that effect. Now if that be the case why do not those 90 per cent. rise in their might and say to the Government, "We will abolish this National Policy; it is ruinous to our interests and we will have nothing further to do with it." But have they done so? The result of the last election shows that they did not think so then; the Government were sustained by a large majority, and I have no doubt that if they were to go before the country again on this very policy they would be as unmistakably sustained on it as in the last election. Some hon. gentlemen will say that in their opinion the Government would be overthrown if they were to appeal to the country now. I doubt it very much. In my opinion the people do not desire to abolish the protection they now have through what is called the National Policy, and under such circumstances I do not think it is fair to say that either the United States or Canada is cursed by a protective policy. The hon. gentleman has made that broad and bold assertion; he has made it more than once in this House, but I have never yet known him to give tangible proof of its correctness. He said further:

"We can all point out where it (the National Policy) has operated to enrich a few wealthy people, and to impoverish the many."

Now the question is where are those few people who have been enriched by it? We all remember that when the National Policy was being introduced, we were told that under its operation a few were going to become very rich at the expense of the many. Now we hear that those very manufacturers who have put their money into those manufacturing industries are being ruined. That being the case there is a plain contradiction. Either one or the other must be wrong. Then the hon. gentleman goes on to say:

"Everyone remembers how our people were told between 1876 and 1878 that they were being ruined by Canada being a slaughter market The great mass of the people were being benefitted by it; they were getting their good cheaper than they otherwise could."

There is no doubt our country was being ruined; our manufacturers were being ruined by the Americans sending over their surplus stocks, and their poorer stocks and making a slaughter market of Canada. In talking with American manufacturers I have found that that was their desire, and even when the National Policy question was being considered in Canada, I heard an American manufacturer say that it was very hard that we

should not have given them six months notice before adopting our National Policy, so that they might have a chance to bring in their goods under the old tariff. I said that that was not the object of our policy; that if we gave them six months notice the markets of Canada would be so flooded with American goods that our manufacturers could not do anything for six years. He said it was not fair to the American manufacturers. However, we were acting on the same principle that they acted upon themselves; we were protecting our manufacturers against them, the same as they had protected themselves against us. The hon. gentleman from Ottawa said:

"Why should we in Canada be obliged to tax ourselves in order to maintain a handful of industries, simply because they are Canadian?"

For the very best reason, that we cannot build up Canada as a nation unless we build it up by manufactures as well as by agriculture. To say that this is to be a purely agricultural country and that we must not expect anything from manufactures is altogether out of the question.

The manufacturers and the agriculturists must all advance together. They must make a long pull and a strong pull and a pull together in order to bring up our country to what it ought to be as a new country with 5,000,000 of people, lying beside a nation of 50,000,000. We have to protect ourselves in every respect, so that we may see our own industries rise, instead of helping to develop the industries of another country. Then the hon. gentleman says:

"Why should we pay double prices in order to have those goods manufactured in the Dominion? In the eyes of some gentlemen it may be very patriotic to do so, but I do not think it is wise."

Now, how do we pay double prices? The hon. gentleman makes the assertion but he brings no proof—not a particle of proof can he bring to support his statement. I know in my own part of the country prices are far lower now than they were in 1878 and 1879, and the consequence is that the people are not paying double prices, but are getting their goods at prices 50 per cent. less than they could procure them for in 1878. Now that is a bold assertion, but I am going to prove it before I get through. I think we should be careful, in making statements like that, to be in a position to sustain them by proof. Then the hon. gentleman says:

"The National Policy, amongst other things, was to give us a home market."

That is correct; it should give us a home market. He continues:

Where is the home market to-day—down, down, with the bottom knocked out of it. The farmers, before the introduction of railways even, got more for their grain than they are getting now. The best wheat in the world is down to 63 cents a bushel.

Where was that? At the furthest end of the North-West; it certainly was not in any other part of the country, because while the hon. gentleman was speaking wheat was selling at from 75 to 82 cents in the part of the country from which I come, so that his remarks could not possbly have applied to any of the older provinces. I say it is unfair to take the furthest and most inaccessible point in the North-West and quote the lowest price paid for wheat there and undertake to palm that off as the prevailing price for wheat in the markets of Canada. I know that at Belleville they were paying at that very time from 75 to 80 cents, and at Bridgewater, 30 miles further back, they were paying from 75 to 82 cents—paying cash for all they could get for home consumption. If they were getting that price there it should not have been stated that wheat was selling at 63 cents. If the hon. gentleman had accompanied the statement by the explanation that that was the price in the Far West nobody would have been left in doubt on the subject. I know if our wheat in the county of Hastings is not as good as the wheat raised in the North-West it is good enough to enable us to make first-class flour out of it. The hon. gentleman goes on to say:

Then, this attempt to equalize the duties on flour and wheat—the miller paying so much on grain—what has it led to? It has just shown how utterly impossible it has been for the Government to reconcile interests of that kind and to place on each man his fair proportion of taxes. We had a deputation of millers coming to the Government the other day who said: "Here they are importing flour into Canada; we cannot compete with the United States; we must have protection."

Now what is the effect of this protection? The duty on wheat is 15 cents a

bushel, and we are told that it takes four and a half bushels to make a barrel of superfine No. 1 flour, or 67½ cents on the wheat required for a barrel of flour, whereas the duty on flour imported into the country is 50 cents on the barrel, a difference of 17½ cents. Now let us look at this question for a moment and see how it really stands. This is a subject that I know something about. I think I can go into any mill in this country and make as good a barrel of superfine flour as the best of them. I think I ought to be able to do so, for I have had a good deal to do with milling. I have had mills of my own, and I have ground hundreds of thousands of bushels of wheat in them. To put a duty of 15 cents on wheat and only 50 cents on flour was going to be ruinous to the miller, we were told, as it would leave a margin of 17½ cents per barrel against the miller and in favor of American flour. To prove that this is not the case, I take 4½ bushels of wheat or 270 lbs. ; I allow for waste four pounds, bran 45 lbs., shorts 9 lbs.—in all 58 lbs. Deducting this from 270 lbs. we have 212 lbs left ; allowing to one barrel of flour 196 lbs., leaves 16 lbs. flour over. Sixteen lbs. of flour at 2½ cents is worth 40 cents ; fifty-four lbs. of bran and shorts at 60 cents per 100 lbs. would be worth 32 cents—making 72 cents ; cost of barrel 25 cents, and duty on flour 17½ cents, or 42½ cents. Profit, 29½ cents.

Now hon. gentlemen I have got a mill and I should be very glad to contract with anyone who would furnish my mill during the time I could run it day and night with wheat to grind for 20 cts. per barrel, they furnishing everything. I should be very glad to do the work and I could make money faster that way than any other way I know of. There is nothing in a kernel of wheat but flour, except the shell, and if you have got the machinery it is easy to take it out. I used to wonder when I got flour in Oswego for $4.25 per barrel, when wheat was selling at 90 to 95 cents, how it could pay them, but I found out by experiment how they managed to make it profitable. I found that I could get out of a bushel of wheat 49½ pounds of superfine No. 1 flour. I have done it, and I can do it again, and consequently four bushels of wheat would make two pounds over the barrel of flour. The way I came to try this question was this : a lumberman came to me and wanted to get a quantity of flour, 60 barrels, and offered me $4.25 per barrel.—I undertook it and I gave him 200 lbs. to the barrel, and I found after getting through that I had made 65 cts. and I had the bran and shorts to the good. I thought that was making a very good profit. I would be glad to work all my life at that ; I would leave the Senate and pull off my coat and go to work if I could make that profit. Therefore I can see no difficulty about the duties on wheat and flour ; but if they wish to equalize the duties let them say that 5 bushels of wheat would be equal to a barrel of flour and put 25 cts. extra on the flour, and they will then equalize the duty. I do not want to put down the millers ; they are like other people ; they want to make all they can, but there is no doubt they only wish to increase the profit they are already making, and they thought it no more than right that the duty on flour should be increased, or the duty on wheat diminished. I have no objection to the change being made either way, whichever is most convenient. I have given these figures, because I wished to show that I am familiar with the subject. I have been engaged for a number of years in the business, and I ought to know something about it.

I now come to the question of corn meal. My hon. friend from St. John (Mr. Lewin) spoke of the difficulties and the great hardships to which the people in his part of the country were subjected through the National Policy, and spoke particularly of the duty on corn meal. So far as corn meal is concerned, there is no doubt it is a very good article of food at some seasons of the year, but there are people who do not like to use it in summer because they say it makes them feel inclined to rub their shoulders. Whether that is so or not, the purchaser need not buy the barrel when he is purchasing the meal. I have ground 100,000 bushels of corn into meal, and I know that the best way is to grind the corn when it is two years old.

HON. MR. OGILVIE—Two years old, do you say ?

HON. MR. FLINT—I mean corn of the year before, because the corn should

not be ground the year that it is grown, It is too soft, and unless it has had a year to dry when it is ground into meal, it will surely spoil. It will not do to kiln dry it, because it will lose most of the saccharine matter and will not be so good for food. When it is thoroughly dried it makes the best meal. The duty on corn meal at 2 mills per lb., is 40 cents per barrel. The price of the barrel should not be taken into account, because people need not buy it; they cannot eat it and they would have to throw it away or burn it. Therefore the hon. gentleman's complaint is, that the people of the Lower Provinces have to pay a duty of 40 cents on a barrel of corn meal. The duty on corn is 7½ cents per bushel; 4 bushels will make 200 lbs. of meal, and leave 22 lbs. of offal. By grinding the corn 10 cents per 200 lbs. would be saved, besides the cost of the barrel. Now it is well known that since the National Policy came into operation in this country labor has increased in value, and the increase has been from 75 cents a day to $1 a day for common labor. But put the increase at 20 cents, that is, from 80 cents to $1; a laborer receives now $6 for 6 days' labor, instead of $4.80 a week, as formerly; that is, an increase of $1.20 per week in his earnings. With an ordinary family he could not use 100 pounds of cornmeal in a week; that would be allowing 15 pounds a day. Consequently the amount of duty paid on a week's supply of cornmeal would not exceed 20 cts. Take that 20 cts. out of the $1.20 representing his increased earnings, and he would have $1 to the good. I think he could well afford to pay the duty. Then the hon. gentle man spoke of laborers working only half time. Supposing the laborer works only three days in the week, he gets $3 for his labor; he buys 100 lbs. of cornmeal and even then he would save 40 cts., as compared with what he could have done in 1878. But suppose we go a little further into the question; suppose there is no duty on cornmeal and the laborer has no work to get and earns no money, as was the case before the adoption of the National Policy, I want to know how he is to live? Is it not better to have a little duty to pay than to have free trade and no work? I think the hon. gentleman has not looked at that side of the question. If men are receiving higher wages now than they received in 1878 they are better able to pay the duty. We should put one thing against the other and look at them from a practical point of view, and see whether the gain does not more than offset the increased duties.

I hope I have made, so far as I have gone, everything that I have said clear enough for the House to understand it. I try to be plain and practical, and if I fail it is because I do not understand the question. As I stated sometime ago, we were told at the time the National Policy was adopted that it would create bloated monopolies, and that the few would get rich at the expense of the many. The question is, have they done so? No, they have not. We are now told the contrary; but there is no let-up to the statement that the poor man or the farmer does not get his goods any cheaper because these monopolies have to a great extent failed. Oh no, we are told that he has to pay as much for his goods as he ever did. The question is, does he or does he not pay as much? We will take, for instance, the article of sugar. I can go into any grocery store in Belleville where sugar is sold and buy 20 lbs. of good sugar to day for $1.00; whereas in 1878 I could get only 11. lbs of sugar of the same quality for $1.00. I want to know if that is not a gain to everyone who has to buy sugar; and what classes of the community buy more sugar than the farmers, the mechanics and the laborers? Tea sells at 15 to 20 cents a pound cheaper now than it did then; who benefits by that? I can buy cottons cheaper; I can get twenty yards of good factory cotton (I will not say the best, but as good as you often see) for $1.00—five cents a yard for cotton a yard wide. Now I think they should not complain, because I know that they could not get in 1878 of that quality of cotton more than from 11 to 12 yards for $1.00. Having dealt for so many years as I have in dry goods as well as in other articles, I have a good right to know the prices and qualities of all sorts of goods excepting whiskey—I do not know anything about that. Now these farmers are suffering wonderfully, we are told. Take the article of fulled cloth; they can get as good an article of fulled cloth in Belleville to-day for 50 to 60 cents as they could in 1878 for 80 to 90

cents. I am not speaking of what I do not know. I can prove these things without any great difficulty. The same statement applies to other classes of goods. You can hardly mention any of the necessaries of life that are not lower, with the exception perhaps now and then of some simple article. Now, who gets the benefit of these reduced prices? It is not the bloated monopolist, but the farmer, the mechanic, the laborer and even the wealthy man who does not have to work, but who gets his living from the interest of his money. Now, our farmers, we are told, are suffering from the operation of the National Policy. For a bushel of wheat the farmer can get from 15 to 16 yards of factory cotton, or 15 to 16 pounds of sugar, and so on in proportion of other goods. Oats sell at from 35 to 40 cents a bushel. I have known oats to be sold at 12½ cents a bushel. I do not think our farmers have any reason to grumble at the prices which prevail to-day. They can get 7 to 8 pounds of sugar for a bushel of oats. The price of pease is 60 cents a bushel, for which the farmer can buy 12 pounds of sugar, or 12 yards of cotton or a good yard of fulled cloth. Rye is 60 cents; barley from 50 to 60. Barley has been a drug in the market the past year, and there is a reason for that, the prices being regulated by the supply and demand. There was so much old barley held in the United States and Canada of the crop of 1883 that the price fell. I know a great many farmers in this country kept all their barley, thinking that they would get larger prices, because they thought the National Policy would raise the prices, and they have lost money by holding their grain too long. However a great deal of barley in our county this past year was of a dark color in consequence of the rainy season; and consequently was not as saleable as if the season had been dry. If farmers will produce too much barley they must take the consequences. Like the lumbermen they think they must produce so much every year, and instead of being benefited by it they reduce prices and suffer accordingly. Now we come down to another simple article—turkeys! You cannot get a common small turkey short of 80 cents to $1, and you pay from that up to $1.50 and $2. Formerly they used to sell at about 40 cents to 75 and 80 cents. I have bought one, weighing 16 lbs, dressed, for 60 cents, and the man was glad to get rid of it for that price. Everything else that the farmer has to sell, butter, cheese and everything else, is the same—the farmer is getting larger prices for everything and buying his goods from the merchants at lower prices than ever before. My hon. friend from Belleville in speaking of the cheese exports from Canada remarked that in 1884 this country exported $7,257,989 worth of cheese—the total exports of cheese was within $3,876,737 worth of the export of cheese from the whole of the United States. When we compare the difference in population of the two countries and take into account the fact that they have as good grazing lands as Canada possesses, I think we have in this industry far outgrown the United States. I think we deserve credit for having manufactured so much cheese and exported so much. I recollect perfectly well when we had to import cheese into this country from the United States. I have bought sleigh loads of it myself. At that time, while we were importing our cheese, we were selling our cows for $10 to $12. The hon. gentleman spoke of cows selling at from $16 to $20 at the time these cheese factories were started; but what would you have to pay for cows now? You cannot get a cow short of $25 and, if the animal is at all a good one not for less than $40 or $50.

HON. MR. SMITH—You cannot get a good one for less than $60.

HON. MR. FLINT—I was told by a farmer that he had not sold a cow for years short of $50, but he took care that he had none but good animals on his farm. The consequence of the development of the cheese industry is that the farmers keep better cattle than they ever did before, and their farms are in better condition. The farmers who are engaged in the cheese industry are bringing their land to a higher state of cultivation than ever before. They use their straw, coarse grain, hay, etc., in feeding their cattle and keeping them in first-rate order during the winter, and the consequence is that they have a large amount of manure, with which they can improve their farms and

increase their value, because they yield larger crops. The man who sells his hay and straw and lets his cattle run in the street cannot expect to have a good farm; but those who are engaged in the cheese industry are obliged to take good care of their farms and stock, and thus they increase their value. A farmer recently showed me a field on which, through careful cultivation, he had actually raised 60 bushels of oats to the acre, for which he got 40 cents a bushel—$24 an acre; and then he had all the straw with which to feed his cattle. Taking these facts into consideration, I venture to say that the increased value thus given to the farms of the country through the cheese industry alone cannot be short of two or three millions of dollars. There is another question to which I wish to refer—the improvements which are going on in the country. I will take the county of Hastings as an illustration, because it is one with which I am better acquainted than any other. I know that the log houses in that county are giving place to good stone, brick or frame houses. In every direction people are building better houses. They are laying out the profits derived from the sale of their products in improvements either one way or the other upon their farms. Then, there are more churches being built. New churches are going up in every direction, and they are mostly all built either of brick or of stone, so that the money which the farmers get from their produce is being expended for laudable purposes, either for improving their farms, or dwellings, or constructing houses for the worship of God.

And the reason for this is, money is plentiful. Money never was so plentiful in the district I come from as it is to-day. I do not pretend to say that every man has it, because every man is not entitled to have it. I know that the amount of money deposited in the savings banks is wonderful, and there is also a great deal put into the chartered banks on deposit at three or four per cent., because the owners have no present use for it, and they want to have it where it will be drawing for them some little interest. If the country was not prospering surely there would be a want of money, and there would be none to deposit in the banks. It is true that there are some persons who are loaning money, and why? We always have with us, and I suppose it is the same in other parts of the country, some farmers who spend more of their time in attending to other people's affairs than to their own, and who are in town two or three days of the week, perhaps with a basket of eggs, and spend their time anywhere but on their farms, and the consequence is, as a general thing, these men have to go to money lenders and mortgage their farms to keep themselves going. Taking everything into consideration, we have no reason to complain of the position in which we stand under the operation of the National Policy. I never expected that the National Policy was going to make me rich, or to make anybody else rich, but I expected that it was going to be the means of establishing manufactures in our country and enabling us to keep our money at home instead of sending it abroad. And will not this be a happy country when we are in the position—instead of sending money out of the country for the purpose of paying our debts, we can send the products of our factories. When we can export $10,000,000, or $20,000,000 more than we import, we are on the road to wealth. Until we can do that, although we are gaining ground, we are not as prosperous as we ought to be. I know well enough that some hon. gentlemen have contended hitherto that it is better to be in debt—that it is better not to have as much to export as we import—but I do not believe in that policy. I think that every dollar we can retain in our country is helping to build up the wealth of the Dominion, and tending to make us what we want to be—a nation capable of taking care of ourselves, and looking after our own welfare. I do not want to detain the House. I have spoken now perhaps far longer than I should have spoken, but I have tried to make my points, and if I have not made them as clearly as I ought to have done, I trust that hon. gentlemen who have heard me will not say that it is because I do not understand the question. I am only sorry for one thing, that my hon. friends who are opposed to the National Policy, and who have spoken so much against it cannot or will not see as I see in reference to this subject. I am sure if they sat down and calmly considered and calculated the

question from both sides, instead of taking a one-sided view of it, they would soon come to the same conclusion, and we would all be a happy united family doing our best to promote the welfare and prosperity of our common country.

Hon. Mr. McCLELAN—The debate has occupied considerable time and I suppose the House is weary of the subject, but inasmuch as there are so many gentlemen in this Chamber who are not of my opinions on this subject it becomes the more incumbent on me to make a few observations on the opposite side of the argument advanced by my hon. and aged friend the senior member from Belleville. I should be very glad indeed if many of his observations were quite correct, especially when he informs us that several of the necessaries of life are purchased to-day under the National Policy for so very much less than they used to be. That was a cheering announcement, and if it were true we would be able to live very cheaply indeed in this Canada of ours. Although I make but a passing allusion to the remarks of my hon. friend, I might say that if while speaking of the reduction in the price of commodities in the last few years he had made a comparison between the average reductions during the last decade and the four or five decades previous, he would have discovered that the reductions in prices in the previous decades had been quite as great as during the last ten years; but even that would prove nothing as regards the effect one way or the other of the high protective tariff. He instanced amongst other things the price of sugar, and that seems to be a debateable article, and an untenable illustration brought up here to show to the people of this country the great advantage of the present high duties. We are told that the consumer now gets 20 lbs. of yellow sugar for $1. Hon. gentlemen do not place alongside of that observation the fact that the consumer can get 40 lbs. of the same kind of sugar for $1, if he goes to the Custom House to buy it. If it were not for the duty on this article, the consumers could get double the quantity for $1 that they now do; yet hon. gentlemen persist in telling the House and the country that the low price of sugar to-day is due to the National Policy. That is the inference to be drawn from the remarks of several gentlemen; but I say again that I believe that certain grades of yellow sugar could be purchased to-day at half the price it now is if it were not for this high protective tariff. Now, with reference to the cheese industry, and the observations made by my hon. friend from Belleville, I contend that it has no connection whatever with the National Policy, but is a justification of the argument of those who are opposed to that policy, and who advocate a revenue tariff. The manufacture of cheese is an industry which, as the hon. gentleman from Belleville told us, originated in this country some 18 years ago. He has told us truly enough that he believes he is one of the promotors of that industry. That was not developed under the National Policy at all; that had grown to be a large industry, and it has not benefited by the protective tariff, and it just shows that along with the export of cattle, the cheese industry is tending to keep a certain element of prosperity in this country. Without these elements I do not know what condition the country would be in at this present moment. But the hon. gentleman from Belleville amused me not a little when he said that he remembered when we imported cheese from the United States. I think his memory would not have to be a very long one to remember that. The truth is we import more cheese from the United States now than we did in 1877 before the present duty was imposed on it at all. I did not intend to make special reference to the remarks of my hon. friend opposite, and will turn to the general question. My hon. friend from Victoria in the inquiry of which we gave notice says he will call attention to the report of the commission issued by the Government last year to inquire into the effect of the tariff of 1879, on the industries and manufactures of the country, and will ask whether the report will be furnished to members of the Senate and so on. If the debate had been confined to the proper object of the inquiry, no doubt it would have ended long ago; but it has taken a very much wider range, and the whole question of free trade and protection has been discussed, and special reference has been made to the relations of certain countries with the trade policy

of Canada. I suppose in the discussion of this question it would be a work of supererogation to undertake to speak of the abstract principles of free trade and protection. What we mean in this country by free trade, is, of course, a revenue tariff, for the purpose of raising sufficient revenue for carrying on the government of the country. As between free trade and protection, I fancy there is not much difference of opinion on the abstract question. No respectable university in Europe or America would wish to invite to its chair of political economy any gentleman who would advocate and teach protectionist doctrines. I think there is one university in Pennsylvania in which the professor of political economy, if I am correctly informed, holds exceptional views, and he is the only professor of political economy in the United States who takes that side of the question. The others in all their writings, in all their lectures, and in all their treatises, are opposed to the idea of protection as an abstract principle.

HON. MR. PLUMB—They do not seem to have had much influence on the country.

HON. MR. McCLELAN—I think they are having a very large influence on the country, as is pretty well proven by the result of the recent presidential election in that country.

HON. MR. PLUMB—That was not a free trade issue.

HON. MR. McCLELAN—The free trade question entered largely into that contest, but as to the practical bearing of free trade on the prosperity of a country, the United States has not yet supplied a proper test. Take the effect of the adoption of free trade in England, which has been alluded to by several hon. gentlemen during the progress of this debate. They have labored in some way or other—I have never been able to follow their argument to a proper conclusion—very much to show that free trade in England was brought about because Great Britain had come to be a very wealthy nation, and her wealth had been developed through a protective system, and having more wealth than they knew what to do with, they adopted free trade to get rid of some of it. If hon. gentlemen will read the history of England more carefully they will discover that it was not a sudden whim which caused the reversion of opinion in England; it was not the result of a temporary famine or depression, although the depression was very great no doubt when the bill repealing the Corn Laws was passed. I think hon. gentlemen will find that much earlier than that there was a very strong feeling got up in the cities of London and Edinburgh in favor of repealing the Corn Laws. They will discover that petitions were gotten up by the manufacturers and it is a very interesting item of history that the very parties that are so much sought to be protected now by a National Policy, are in the United States coming to believe that they are as great sufferers as any other members of the community. In 1820 great trouble and distress began to arise in England, and then it was that numerous petitions were sent to Parliament from London and Edinburgh in favor of the repeal of the Corn Laws, and the introduction of a free trade policy. From that time up we find that the mills were many of them subject to be shut down periodically; depression existed from time to time, and even famine came occasionally, and the feeling grew and grew as long as the high protective duty continued to exist, shutting out raw material and cramping the commerce of England, until the people would stand it no longer, and they came wisely to the conclu- to adopt a free-trade system. The condition of England ought to be looked at in viewing this question. England is a country of comparatively small area. It is not a country certainly which entices immigration to it. It has not an area for extended settlement; in fact it is more an object of the English statesman to provide for an exodus or emigration from that country. They have a comparatively small amount of land available. They have, it is true, many square miles of coal and iron, and the celebrated Hugh Miller has made the observation that if those few square miles of iron and coal have done so much for Great Britain, what will eventually so many square leagues of the same material do for the United States, showing how much advantage in these particular

lines the United States have over Great Britain. We have in Great Britain a small area of land, and the coal and iron areas are comparatively small. Beyond these materials, Great Britain has never had the advantage of possessing the raw material of its manufactures. They do not grow the articles which enter into the manufacture of textile fabrics. This is certainly a very great drawback to the manufacturing industries of that country, and yet what do we find? We find that since Sir Robert Peel and his colleagues adopted the free-trade policy the exports of that country, which amounted then, if I remember rightly, to 200,000,000 pounds sterling, have increased ten or eleven fold since the adoption of the change of policy, and that is in a country small in area, and not nearly so well adapted to the extension of its trade or population. We know very well, too, the wealth of England; it is simply the banking house of the world, loaning money to all nations, with her motto of "ships, colonies and commerce." She could never have attained to her present greatness only under her system of free trade. Her commerce could never have been developed, her ships could not have so well maintained supremacy on all seas, and her colonies could not have occupied the high position that they do to-day, if it had not been for the adoption of that policy. Take the cotton industry alone. In 1874 Great Britain imported raw cotton to the value of £50,000,000 sterling, and exported cotton manufactures to the value of £74,247,000 sterling, besides supplying home requirements. In the same year Britain imported 344,000,000 pounds of wool, and exported woolen manufactures to the value of £28,000,000 sterling.

HON. MR. PLUMB.—What was the value of the wool?

HON. MR. McCLELAN.—In 1846 the whole foreign commerce of the Kingdom (imports and exports) was no more than £134,000,000. Thirty years later it had grown to the enormous aggregate of £655,000,000. The British Board of Trade returns for last year, just published, are of unusual interest, showing the value of exports and imports to have been £685,145,839 sterling. But here is an American opinion as to the effects of a protective tariff; the Boston Journal of Commerce of a recent date, in an article on the cotton mills of Oldham, England, thus refers to the state of affairs there, and it must be borne in mind that the Journal of Commerce is published in a protected country, where the effects of a high protective tariff have been experienced for years. It says:

> Much has been said about depression in manufacturing in England, and, no doubt, it is true to a great extent, but when one takes up the foreign newspapers and reads of the large dividends paid by many of the cotton corporations in the Oldham district, Lancashire, England, it gives rise to the query, is all that has been said true. Statistics do not seem to bear out the reports. Out of the nearly ninety cotton mills in the district, sixty of them have recently declared dividends that are large enough to indicate a most prosperous condition of things. Two and a quarter per cent. is the lowest dividend that we have seen declared, and from that it rises to the handsome figure of 13½ per cent. These may be some explanation for this seeming discrepancy between the statements of depression and statistical situation. The reports of the market for cotton mill shares, represent a very confident feeling, and large transactions have taken place at improved prices. Money that can be invested in England at such an advantage is considered much better than would be the same in this country. The consequence is, people who can possibly obtain the money are freely buying these securities, which now show a disposition to make further advances before the year is out.

This certainly reads as if it were not biased testimony, and it shows clearly the greater value of stocks in a free-trade country than in the highly-protected country across our border. I mentioned the great difficulty that Great Britain labours under in the want of the raw material for the manufacture of textile fabrics. When it is considered that a country situated as England is must go 3,000 miles for her cotton, and import flour, beef, bacon and other produce to feed her operatives, and after transporting those natural products 3,000 miles, can upon that basis produce manufactured goods and send them into the neutral markets of the world, so as almost entirely to shut out the manufactures of protected countries, I think it must be clear to the mind of unprejudiced persons that in the practical application of free-trade as a policy Great Britain has decidedly the advantage over any other

nation which has refused to follow her enlightened policy.

Some gentlemen may say that it is owing to the low price of labor—slave labor, as it is called—and a good deal has been said about the protected countries of Germany and Austro-Hungary, and how much better situated they are in the scale of nations than England is. I think my hon. friend from Lunenburg referred to Bismarck as a gentleman with great German sagacity who stood first amongst the statesmen of the world—no not of the world, because in that way he should be interfering with his own leaders in Canada —but at least foremost amongst the statesmen of Europe. Take that country, which is very highly protected, and one can scarcely read a European newspaper without becoming aware of the fact that with the introduction of a high tariff, emigration began to flow out of Germany. The first year after the very high duties were imposed the emigration increased 300 per cent. It became so great that that very sagacious German has been casting about to discover some place to colonize, with a view of building up colonial possessions such as England has been able to acquire under the free trade system, in order that the great German brotherhood may be kept together as much as possible—at least that they should not go to America and amalgamate with other races. Not only has this great emigration taken place from Germany, but other evils have sprung up such as have been witnessed in other countries—evils which arise under the same corrupt system, the bitterness engendered between class and class as soon as they begin to thoroughly understand the true condition of things, as soon as they can remove from their eyes the specious glamour and humbug so industriously kept up and see the evils which result from protection—just as soon as the question is thoroughly understood in those older countries, we find socialism spreading amongst the masses. That particularly prevails in those countries which are afflicted with a protective system.

Hon Mr. KAULBACH—Is that the reason they go to the United States?

Hon. Mr. McCLELAN—I now revert to the subject of wages. It is well-known that the wages of the operatives of England have increased very much as compared with the wages of the operatives in Germany, Austro-Hungary and France. That is, I think, a well known and well-recognized fact. I read in the London *Mail* of February 27th an interesting statement made by a gentleman, a member of the French Parliament on that subject, in which he speaks about the difference of hours being 56 hours in England for operatives and 72 hours in France, and he speaks of the great increase in wages of the laboring masses in England.

Hon. Mr. KAULBACH—It shows the great demand for labor in France.

Hon. Mr. McCLELAN—This is in answer to those who say that while it is very true that English manufacturers can supply all the markets of the world with her productions, although suffering under great disadvantages, they do not do it with that pauper labor that we so often hear spoken of on the other side of the border. They do not do it because their people are ground down by poverty. The truth is recognized by all respectable and leading political economists in the United States—every one who writes about it; that is every one who is not mixed up with party fights, but who is writing historically on the subject—all admit that wages in England have risen very much during the last decade, and they now compare very favorably in their purchasing power with the wages paid in the United States, and yet the British manufacturers are able to compete with those of the United States—not only able to compete, but they are able to supply them to all the foreign markets —and the amount of manufactured goods which the United States is able to supply alongside of the exports of Great Britain is a mere bagatelle Then as comparing France with England, France is a larger country. France has superiorities in climate and in fertility of the soil in many respects. It has a very extended sea coast bordering on the Mediterranean as well as the Atlantic, and it has great climatic advantages. We all know that almost every part of France is susceptible of high cultivation and great improvement; and yet with all these advantages we find a continual reign of discontent amongst

the people. We find them more restive and less settled than their neighbors across the channel. Then we come to the United States. The United States occupies a very different position from England in many respects. The area of the country, the variety of climate and of natural products, the capabilities of settlement and the advantage which nature has furnished there are something wonderful to contemplate. I read a statement the other day which showed briefly the almost incomprehensible amount of natural products in that country. The following are some of the figures: Cereals—Wheat, Corn, Oats, Barley, Rye and Buckwheat, 2,698,000,000 bushels; Cotton (crop 1879), chiefly in 9 Southern States, 5,737,257 bales, the produce of 14,442,000 acres; Tobacco—Kentucky, Virginia, &c.—638,841 acres—472,661,159 pounds; Sugar—Louisiana, 218,314 hogsheads; Salt—Michigan, New York, &c., 29,800.000 bushels or $4,817,636; Rice—Carolina; Coal—over 300,000 square miles—66,000,000 tons or $73,524,992; Gold — California, &c., $36,500,000, Silver—Colorada, Nevada, &c., $42,100,000, total $78,600,000; Timber—area 560,000,000 acres—Wisconsin alone has 250,000,000 acres of superfine timber; Land for settlement in Western Prairies 5,000,000,000 acres. Some of these may be over-estimated, but I have no doubt they are as nearly correct as such estimates and statistics generally are. From these figures we can have some idea of the vast area and limitless resources of that country. Not only that, but they have had for a long term of years the immense benefit, to which I think some allusion has been made by the senior member from Halifax, of the stream of emigration into the country without any expenditure for it. I believe they have had no annual expenditure to encourage immigration as we have for that purpose. Possibly they have derived some benefit from our annual expenditure, but they have averaged nearly half a million people a year, and some years have exceeded that. These people have become most valuable additions to the country. They have brought not only their labor but their money, and added immensely to the wealth of the United States, and this has been going on for years and years, possibly because of the republican institutions which prevail there and which in the view of many of those who live in the older countries of Europe render it freer to live in, called by its admirers the "land of the free and the home of the brave." Possibly one of the causes may be the facilities afforded for immigration into and settlement in that country. There are boundless and fertile prairies in the west, and facilities for reaching them; but whatever the cause may have been they have had the benefit of this large immigration into that country. Now, the United States as compared with England, has not been subjected to the enormous strain upon it of maintaining a standing army; they have never had a standing army or the enormous expenditure for that. They have not been engaged in foreign wars; they have had a disastrous civil war among themselves, but they have not been engaged in those foreign wars which we all know tend so much to exhaust the wealth of a country, and yet with all these advantages the nation has not been enabled to compete with Great Britain, while their unfortunate trade system has totally destroyed their commerce. Thirty years ago, as is well known, 86 per cent. of all the natural products of the United States was carried under the American flag, while to-day there is not over 14 or 15 per cent. carried in American vessels, and so far as supplying the neutral markets of the world is concerned, they have not been able with all the advantages they possess, with all the immense facilities and unbounded resources of their country, they have not been enabled to compete with free trade England in supplying the markets of the world, and hence it is that the factories of England are able to increase the wages of the workingman and multiply the manufacturing industries to an almost limitless extent. A country that intends to compete in foreign markets needs no bolstering up by protection. Protection gives no assistance to anything that seeks the markets of the world outside of the country of production. That was much better stated than I can say it by my hon. friend from the city of St. John the other day.

HON. MR. READ—How did England manage before 1846?

HON. MR. McCLELAN—They got along very lamely. The fact that the manufacturers themselves petitioned Parliament for a change ought to show the hon. gentleman more than anything else that they were not very contented.

HON. MR. ALMON—Perhaps their petitions were got up very much in the same way that the petitions are with which this House has been flooded this session.

HON. MR. McCLELAN—They were got up in the cities of London and Edinburgh. I do not know where you can go for intelligence if you cannot get it in those two cities. The United States manufactures less than $\frac{1}{12}$th of the goods manufactured by Great Britain. This is very remarkable as showing the effects of the two trade systems situated as these countries are. Including raw materials not protected they have not over $\frac{1}{3}$ of England's and not $\frac{1}{16}$th of the products of the United States are carried under the United States flag. Now the United States as a country in one sense furnishes the best illustration that one can get of free trade. It is very large in area—not any larger than our own country in area—but the country adapted for settlement and rich in natural products is larger than ours. It is composed of 38 states and a number of territories, and the natural products are scattered amongst those states and territories and the interchange of those products among the different states is perfectly unrestricted. If protection is beneficial, then it should be extended to its utmost limits, and one state should be protected against another; but we find that they have perfect free trade amongst themselves. In looking at the effect which the general system has, so far as the United States is concerned we may look at the effect it has on the commerce of the country, and when we go there what do we find? We find, as I said before, that their ships are driven from the seas; that they have little external commerce. Hon. gentlemen may speak about the flourishing condition of the United States. A country such as that is would flourish in spite of any trade system that might be forced upon them. It cannot fail to flourish to a certain extent, but it has been immensely hampered, and anybody who looks upon it with an unbaised eye must feel that had it not been for this incubus on the trade of that country the United States would at this time have taken the position of one of the foremost nations of the world as a manufacturing country. Not only has it hampered their commerce, but it has been a very serious tax upon themselves. Professor Perry, of Williams College, makes the suggestive, and remarkable statement, that since 1861 the population of the United States has paid over twelve billions of dollars in the extra price of home products, not a cent of which has gone into the public treasury—more than twice the cost of the whole civil war. I have not any doubt about the correctness of that statement. That is the natural effect of a high protective tariff the world over. It is a calculation which is perhaps difficult of verification; but we know that under the unfortunate system which we have here the people are paying, in addition to what is necessary for revenue purposes, a vast amount every year. What we pay into the revenue is visible taxation, but what does not go into the revenue no person can accurately tell. But this incidence of the taxation is necessarily large. Then, referring to the effects upon different countries we may come nearer home, and look at the striking effects which are visible all around us of the protective tariff during the six years it has been in operation in Canada. The system in this country has not met the expectation of anybody except its opponents, and once or twice or thrice I have heard hon. gentlemen repeating that it has, because in the argument in this Chamber where hon. gentlemen are nearly all upon the one side, it is remarkable how many use the same line of argument—repeating over and over again the same words; how often have we heard about cheese; how often have we heard about cattle and sugar and about this and that. These are really arguments against this policy, every one of them, and the speeches which are founded on such statements as those are as good free-trade speeches as could go to the country, if they thoroughly understood the question. I say here in Canada the protective system has failed to meet the expectations of any but its opponents. It was predicted that some of the manu

facturers would become monopolists, and prosper for a period, and that undue competition would cause inflation and loss. I remember an observation which was made by an hon. gentleman on the same side of the House as myself that while those factories which were then in working order and some of the new ones possibly might for some years make enormously out of the people and their stocks advance largely, and certain manipulators might get rich, the ultimate effect, so far as the manufactures were concerned, would be ruin and destruction—that their money would be ultimately lost. That assertion I heard frequently made, and I say the course of events during the past six years, though they have been years of prosperity has, unfortunately, verified the statement, very considerably. We should not take the deposits in the savings banks to draw comparisons between that period and the six years which preceded it. The former six years were years of depression all over the world; the latter six years have been years of general prosperity; but yet we have discovered that the effect of the National Policy has been just what its opponents predicted. I think the hon. gentleman from Ottawa who is not now in his place, alluded to it in that way, that it would create an inflation and its usual results. The most surprising feature in connection with this is that the Finance Minister himself, although no one in the country would suppose that he was sincere in imposing this protective policy on the country except as a matter of party necessity, advised the people of Canada to crowd on all sail that they were all right for seven years to come—to invest in these cotton mlls when already there were more cotton mills than were necessary to produce what the country required or could consume. The effect of that has been to tie up a great deal of capital. Hon. gentlemen may think it is a very trifling thing now, and may say "more fools they are," but they were told to put on more sail, and such advice coming from such an authority as the Finance Minister of Canada naturally influenced them a great deal, and they invested their money, and much of it will remain invested, I presume, without any very remunerative returns. This is not only a loss to them, but it is a general loss that so much money should be taken out of circulation and permanently lost to the country. The senior member for Belleville spoke about the slaughter market which existed a few years ago—that the manufacturers in the United States were sacrificing their goods in the Canadian market. Then he spoke about the cheapness of cottons here. The Canadian market has ceased to be the slaughter market for the manufacturers of the United States; but with the help of this policy the present administration has provided a sacrifice market for our own manufactures. Now the very worst kind of competition, it appears to me, in that line, is the competition amongst the manufacturers of a country. While our people may be getting some articles cheaper than they formerly could, they are losing it in another way. Our mills are lying idle, our operatives who have been trained in certain kinds of labor, and are thereby unfitted for others, are turned loose on the community. I do not know to what extent this prevails, but I hope it will not prevail to a very great extent.

But I know that it does prevail to a great extent in the United States in these periods of depression. We know that the farmers, the bone and sinew of the country, and who are the main stay of the nation's wealth, that those very farmers, after they have been taxed to build up factories that are shut down or pooled by arrangement, when these periodic seasons of depression come on after all the taxation that the lands of the country have been subjected to, they then have practically to feed those operatives, because few of them have accumulated any savings. These laborers come to be dependent for support upon the very class which has been compelled by legalized enactment to contribute to the building up of an unnecessary number of those works. Except in a few cases, taking the last six years as an instance, has the practical application of protection been beneficial to those who have chosen, and commendably so, to voluntarily place their money in manufacturing enterprises? The actual experiment, as some hon. gentlemen in this Chamber know to their sorrow, seldom pays in a new country. It is a commendable enterprise to build up a healthy business—not a business that depends

on the aid of the community by Act of Parliament—but to build up a healthy manufacturing business is a commendable thing, and gentlemen who have been blessed with means in this world should always aid such undertakings as are adapted to the country and are calculated to grow and develop according to actual needs; but under this system it is not so desirable if the whole of the circumstances are properly taken into consideration. But the whole experiment fails to pay. The advocacy of the system I think is really all that has paid, except, as I have detailed before, certain wealthy establishments and some that existed at the time of the passing of the high protetive tariff. Some of these industries have prospered and stocks have risen, but the general result of the working of protection in Canada has not been to add to the wealth of the country. What has been the effect of it upon the shipping industry? My hon. friend from Lunenburg in his somewhat lengthened observations of a few days ago thought proper among other things to say that the coasting trade of Nova Scotia was very considerably increased, and that the West India trade of Halifax was largely increased, and he spoke generally of the increase of trade and commerce so necessary and vital to the interests of his own province that I was led to look into the statement of the tonnage of vessels built in Nova Scotia, and I found to my astonishment that there was a considerable falling off in the amounts of tonnage owned in Nova Scotia. In the statement given in the report of the Department of Marine and Fisheries I find, strange to say, that from 1873 to 1874 almost every year up to 1879 there was an increase in the tonnage in Nova Scotia and an increase in New Brunswick and an increase in the Dominion, and that every year since 1879 shows a decrease of tonnage. That is a rather singular fact taking so long a period, and shows rather conclusively that the introduction of iron ships was not alone the reason for this falling off in the tonnage of sailing vessels. The hon. member from Lunenburg gives another reason and rather a peculiar reason for it; he mentioned it three times in his speech, that the Government of the country had cheapened the rate for the transport of cattle, and in that way there had been advantages through the National Policy of course in facilitating this export trade. If they have in their might and in their strength and in their wisdom, managed to reduce the freights on cattle sent in ocean ships, then that may be one reason why there has been such a wonderful falling off in the building of sailing vessels. But is it true? We have not heard it stated by anybody else. If it be true that the Government of the country have cheapened rates of freight for the export of cattle, that has been a direct blow to the shipping trade of the country, and that may account in part for the very remarkable decrease from 1879 in the tonnage of ships; but there are other reasons why the high tariff has had an adverse effect on the shipping interest. We know very well that our coasting trade —that is the trade between the Maritime Provinces and the American ports—has been very much restricted. We know that under the old system we could get our flour and cornmeal and a great many other things from the United States as return freight, but now a great number of small craft employed in that trade have to return in ballast. There are a great many products that must of necessity find a market in the United States if they are to find a market at all, and the class of vessels employed are less remunerative, if not very much reduced in number, by being cut off from the return freights. This class of trading vessels although small form the basis for our mercantile marine. The crews of them are at home in the winter and they sail those schooners in the summer. They become habituated to the sea without contracting, perhaps, the habits of deep sea men, and they soon become aspirants for higher positions and the result is that in some comparatively small districts it is surprising to see the number of the population that are captains of ships. I know in my own county there are nearly 100 captains of square-rigged ships, nearly all of whom started in that humble way. The National Policy struck a blow at the profits of these small coasters, because as I said before they were limited in their return freights, and seafaring men are discouraged from investing in new ships. Our shipping industry is going the same way as that of the United States under their policy which

hon. gentlemen seem so eager to follow. There was one argument used by each of the hon. gentlemen who have spoken in favor of the National Policy to show that the country is prosperous, and that is that money is plentiful. They contend that if the country is full of money, the National Policy has had a good effect. If money is plentiful when times are good and prosperous the world over—if the Canadians have managed to get along at all, handicapped as they are with this system, and are able to deposit money in the savings bank, it is claimed to be evidence that the National Policy is all that its friends supposed it to be. Now I differ a great deal from the hon. gentlemen as to these savings banks deposits being taken as proof of a surplus of laborers' earnings. I happen to know myself of a very considerable number of persons in my own county who have come to me for advice about investing small sums of money. Of course it is a small item comparatively in the whole, but what happens in one place is generally an indication of what occurs in other parts of the country. My advice has been asked about investing small sums, and I have stated that under the circumstances in which the country stood I thought it would be better to place the money in the savings than to invest it, and many farmers and retired dealers have invested small sums in that way amounting to $3,000, at 4%. Some of them had money already accumulated and deposited in the chartered banks. Finding that the rate of interest was reduced they withdrew their money from the chartered banks and deposited it in the savings bank. The reason they did this is because of the depreciation in the value of property generally, making it inadvisable to run the risk of any investing in real estate, and undesirable to loan money on mortgages.

The shrinkage in the value of farm property in parts of New Brunswick has been extraordinarily great during the last six years and it is a surprising thing that it has been so during the last six years, because it has been a period of prosperity. I think that shrinkage has been placed at 50 per cent in New Brunswick in some instances. This is owing largely to the enormous emigration from the country and I may state that although the Government spent half a million of dollars last year in encouraging immigration to the North-West, more people left the Maritime Provinces during that time than have settled in the North-West. It was only the other day I saw in the St. John Globe an account of some 150 persons that were going away from Kings and Annapolis counties, Nova Scotia, and were detained at St. John for a few days on account of the snow blockade. They were *en route* for the western states.

HON. MR. PLUMB—They were going to a more protected country.

HON. MR. MCCLELAN—They were to be joined by three or four hundred more who were going from the same localities. It was contended by the supporters of the Government that the object of the National Policy was to keep our young men in the country. It has failed to secure that object, and instead of doing that it has driven them away from the country. Once they are cut off, and continue to be cut off from their natural avenues of trade, it is almost impossible for them to live contentedly in their own country. That is the impression of numbers of them, and hence they decide that if this state of things is to continue—if they are to be fettered and controlled in that way in their trade relations they will leave the country, and it is heartrending to know the numbers of people, respectable farmers, some of them well advanced in years, that have had to leave the country with their large families. I know one instance in which a well to do farmer sold his place at a considerable sacrifice a few years ago, for $5,000 and moved away to Washington Territory ; in other instances, the proceeds of sales are placed in the Savings Bank, to draw upon as necessities require.

HON. MR. PLUMB—Will the hon. gentleman explain how it is that the population of the Dominion of Canada is constantly drifting to the United States when the argument is that it is the protective system of Canada that is driving them out, although the United States, to which they are attracted, has a higher system of protection, that has destroyed its shipping interest and crippled its industries generally, as we are told?

HON. MR. MCCLELAN—I suppose what actuates some of them in moving from one country to another is the same thing that induces people to leave the land of their birth and come to Canada to improve their condition; and I have no doubt that some hon. gentlemen who have taken that course have improved their condition. But I think the question can be answered in another way. I think it is a very different thing leaving a country that is just habilitating itself in the old worn out rags of another nation, and going to that nation when they are about casting their rags off. It is evident from the feeling that developed during the recent election in the United States that the trade policy was largely an element in the defeat of Blaine for the Presidency; that the growing feeling arising from the production and publication of those treatises on political economy, emanating from eminent and distinguished men is having a good effect. I say that the very literature that is coming from that land of freedom and land of free trade, Great Britain, cannot fail to have its influence on the trade policy of the United States, a country which largely exceeds it in area and resources and yet up to this time has resisted everything which tends to freedom of trade. Is it strange that having lagged so long after Great Britain in the effort to remove the shackles from the black man, that it should linger a little longer behind England in removing the shackles from the white man?

In order to fully attain that condition of liberty and brotherhood which they so much desire, the United States must soon discover that freedom of trade is an important factor. As I said before, free trade influences are largely extending in the United States, and a different state of affairs will finally prevail in that country. Those people of whom I have spoken as leaving their native province include farmers of intelligence who had lived and grown up alongside of myself. It was heartrending to find that they were discontented and discouraged owing to the condition of the affairs of the country, and the restrictions thrown upon its trade and commerce. Looking at the changing circumstances of the United States, and the vast resources that they have there, and considering that that country could thrive even under that miserable Upas tree of protection which we are trying to transplant to this more northern country, they concluded, unwisely perhaps, to find a home amongst that 50,000,000 of people who are too intelligent to allow themselves to remain fettered much longer. It being now near 6 o'clock, I move the adjournment of the debate.

The motion was agreed to.

BILLS INTRODUCED.

Bill (75) "An Act to incorporate the Canadian Pacific Railway Employes Relief Association." (Laid on the table).

Bill (77) "An Act to incorporate the Hamilton, Guelph & Buffalo Railway Company." (Mr. Plumb).

Bill (72) "An Act respecting the Ontario & Pacific Railway Company." (Mr. Plumb)

Bill (69) "An Act respecting the Huron & Ontario Ship Canal Company." (Laid on the table).

Bill (62) "An Act to amend the Act to incorporate the Bank of Winnipeg." (Mr. Sutherland).

MARITIME COURT OF ONTARIO BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (11) "An Act to extend the jurisdiction of the Maritime Court of Ontario."

In the Committee,

HON. MR. TURNER moved that the first clause be reconsidered and amended.

The amendment was agreed to.

HON. MR. TURNER moved that the 2nd clause be reconsidered and amended.

The amendment was agreed to.

HON. MR. ALLAN, from the Committee, reported the Bill as amended.

The amendments were concurred in and it was ordered that the Bill be read the third time to-morrow.

The Senate adjourned at six o'clock.

THE SENATE.

Ottawa, Wednesday, April 15th, 1885.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

PUBLIC AFFAIRS OF THE DOMINION.

INQUIRY POSTPONED.

HON. MR. ALEXANDER rose to call attention to the present state of the public affairs of the Dominion, and to ask the Government how they proposed to remedy existing evils. He said: I hesitate to go on with this motion to-day, because of the rebellion and outbreak in the North-West, caused by the most reprehensible neglect and incapacity of two prominent leaders of the Government; but I am so strongly impressed that our present rulers, if they go on as they are now doing, must bring the country to bankruptcy, that with the permission of the House I will withdraw the motion now, but proceed with it on Monday next.

ST. VINCENT DE PAUL PENITENTIARY.

MOTION.

HON. MR. BELLEROSE moved:

That an humble Address be presented to His Excellency the Governor-General, praying His Excellency to cause to be laid before this House a copy of all correspondence between the Department of Justice and any Member of Parliament or others in relation to the investigation which took place last summer in regard to the administration of the Penitentiary of St. Vincent de Paul, and the difficulties in the administration of the said Institution.

He said: I regret that I think it my duty to occupy the time of the House on this question. The idea of giving notice of the motion now before us was forced on me by reading the report of a debate which took place in another place last Thursday. It was a discussion between two members on the Opposition side, Mr. Blake and Mr. Langelier, and the hon. Secretary of State on the Government side. The question was the following item of the estimates: "St. Vincent de Paul Penitentiary $81,721."

I could not let pass the statements which were then made, and which were to a great extent a repetition of the calumnious assertions made in certain newspapers for some three or four months past, without giving them a complete denial in this House, as I did in the press, at the time they were published. These charges have been made in the press at the instance of the very men who are responsible for the trouble this penitentiary has been laboring under for some years past, evidently with a view of throwing upon me, a resident of the little town wherein this prison is situated, the odium of such an unpatriotic act.

The Hon. Mr. Blake is reported to have said:

> With reference to this Penitentiary, so far as I can judge from the public press, the principal criminal in it is the Warden—at least he is under a constant examination and interrogation and other inquisitorial tortures. The administration seems to be in a condition of chronic disorganisation. . . . It seems to me that this place is cursed by the quarrels of rival politicians very largely, and by the introduction of politics into the question of appointments, the contracts, and so forth.
>
> It is a question between the individual members of the Upper and Lower Chamber, who should be uppermost with respect to the appointment and administration.

The Secretary of State, in answer, admits that there is trouble, but he assures the House that—

> The real difficulty is outside of the Penitentiary rather than inside; (and he adds,) I am afraid some local influence . . . has been the cause of the trouble.

Had the Secretary of State stood by the first part of his answer, "That the difficulty was rather outside than inside," I would have felt it my duty to remain silent and let time shew from what part of the country came the whole cause of the trouble. But he having stated that it was due "to a local influence," I am bound to join issue with the hon. Minister and solemnly declare from my seat in this House that such is not the case, and that he perfectly knows that his utterances are not in accord with the facts. I defy him to state positively that the influences which have caused the mischief come from anywhere else but from Montreal and Ottawa

helped as they have been from inside the Penitentiary. Let him use his influence over his colleagues in the Cabinet to have a commission appointed to discover what is at the bottom of all this trouble, and I will be ready to make good every one of the assertions which I am about to make to-day, in answer to the statements made in the Commons, as well as many others which I might bring before this hon. House if I thought this was the proper time. But this I will not do, desirous as I am to injure no man, except it becomes my duty to do so to prove the innocence of others who might fall victims to the ill feeling of others. A private enquiry was held last summer. The commission was not altogether what it ought to have been to secure the confidence of those who knew something of the past history of this Penitentiary, and I doubt if the two commissioners will ever agree on a joint report. Nevertheless, knowing the ability of the hon. Minister of Justice, his devotion to these institutions, and his desire to do what is right, I feel it my duty to say no more on this subject. Neither will I give names for the present. I leave the Minister to settle the whole case without any more trouble and without injury to anyone.

The hon. Secretary of State, wishing to excite ill feeling against me, thought it was the proper time to do so, when the public press had published almost every day for some weeks past, articles representing me as the cause of the troubles at our penitentiary; articles which were inspired by the very men who have for months past determined to ruin the present chief of this prison, the nominee of the hon. Minister. Is it not somewhat extraordinary to hear Mr. Chapleau trying to injure me at the very moment that I am working at his side in defence of the gentleman he succeeded in getting appointed in preference to the one I had recommended for the situation? The reason of this conduct of the Secretary of State is obvious. While Mr. Chapleau wishes to save his nominee, Mr. Laviolette, he also has determined to save his associates and their friends and their relations, who have been working for years past to ruin the warden. No better plan suggested itself to him than the one which he has adopted; that of throwing upon me the responsibility of the mischief done by his friends. I am a resident of the locality. How easy then for him to say: "I am afraid some local influence has been the cause of the trouble." But, hon. gentlemen, whatever regard the leaders of the party may have for me, I am bound to believe that after over forty years services, and let me say useful services to the party, I have a right to expect if not favors at least justice at their hands, and that they will give me a chance of pointing out the cause of the trouble, as was done some years ago, when an officer of the Department of Justice had to leave his post. When these attacks were made upon me in the newspapers, I thought I should not mind them and that I ought to wait for the report of the commission. For a time therefore I maintained silence, until an article appeared in a Montreal newspaper, *The Shareholder*, of the 13th ultimo, attacking me in the most brutal manner and concluding by an appeal to prejudices in the following terms:—

"In the Reformatory days he (Mr. Bellerose) ran foul of the warden, Mr. Prieur, whom he persecuted to the bitter end. Then he tried to undermine Dr. Tasse, especially after the change of Government in 1873. Next by the assistance of his creatures, whom he drilled as witnesses, he succeeded in procuring the removal from the wardenship of Mr. Luchesnau. The acting warden, Mr. Mackay, did not escape the ill-natured and uncalled for flings of Mr. Bellerose. The man whose cause he now so warmly espouses Mr. Laviolette, was, until lately, the butt for his venomous and envious remarks. At the present moment all his rancour and malice appear to be directed against the deputy warden, because his brother Mr. Alderic Ouimet, M.P. for Laval, has refused to submit to the dictation of the noisy Senator."

I thought the time had come when I ought to make some brief answer. On the 27th of last March, I made my answer to the first part of the article; reserving my reply to the last part for the 3rd April instant. This last part was in the following words:—

In answer to such calumnious assertions, let me remind you that the Reformatory prison was opened at St. Vincent de Paul in 1862. I was elected to represent that constituency in 1863. Later, in 1869, two of my constituents put into my hands a very important document, containing serious charges against the then Warden of the Reformatory, Mr. Prieur, and praying that an investigation be made. They insisted that I should transmit this document to the Government and

see that an enquiry was granted. I did so, and an enquiry took place. As a result Mr. Warden Prieur was appointed a member of the Board of Commissioners under the Penitentiary Act, and was replaced at the Reformatory by Dr. Tassé, whom you assert I have ill-treated.

Having read the charge, I wrote to that gentleman in the following words:—

Ottawa, 25th March, 1885.

Dr. Tasse,
St. Laurent.

My dear Dr.—Allow me to ask you whether or not you ever stated that during the time you have remained Warden of our penal institutions in St. Vincent de Paul I ever tried to undermine you, and oblige.

Yours truly,
Jos. H. Bellerose.

To this Dr. Tassé answered,—

"St Laurent, 26th March, 1885.

The Hon. J. H. Bellerose, Senator,
Ottawa.

Sir,—I am ordered by my father, Dr. Tassé, who is sick and very weak, to acknowledge the receipt of your letter of yesterday, and to inform you that he will, as soon as he will be able to do so, give you an answer in his own handwriting.

Emma Defoy.

P.S.—My father much regrets such stories. He acknowledges the services you have rendered to him during the time he was at St. Vincent de Paul, as Warden of both institutions, the Reformatory and the Penitentiary.—E.D."

Let me mention here that in 1883 the Reformatory was transferred to Montreal, and the buildings at St. Vincent used since by the Penitentiary of our Province. The Warden of the Reformatory, Dr. Tassé, also became Warden of the Penitentiary.

In 1875, Dr. Tassé resigned and was succeeded by Dr. Duchesnau.

This gentleman dismissed, in 1880, four of the officers of this institution. Those four men, constituents of mine, wrote to me at once to Ottawa, where I was then attending to my duties as a Senator, complaining of the arbitrary conduct of the Warden, and praying that I should lay the matter before the Hon. Minister of Justice. This I did. The Hon. Minister answered that he could not interfere except an enquiry was asked for. I communicated this answer to the four poor dismissed officials. They asked for an enquiry, which was granted. Mr. Inspector Moylan conducted the investigation, which lasted for some few months, and, having completed it, he laid his report before the Hon. Minister of Justice, who approved of it and recommended to the Privy Council the dismissal of Warden Duchesnau. This gentleman was replaced by Acting-Warden H. B. Mackay, who has held the position for 17 months.

In view of the charges laid against me in your article above mentioned, I wrote to Mr. MacKay the following letter:—

Ottawa, 24th March, 1885.

H. B. MacKay, Esq.,

Dear Sir,—I find in one of our newspapers the following—

"The Acting-Warden, Mr. MacKay, did not escape the ill-natured and un-called for flings of Mr. Bellerose."

Recalling to my mind, while reading this paragraph, the good words which you have often used towards me in your letters to me, before and since you left St. Vincent de Paul, I was surprised; and I thought I might fairly ask whether or not you approve of it, and whether you had given to any one occasion to apply them to me.

Yours truly,
Jos. H. Bellerose.

To this letter Mr. MacKay was good enough to answer in the following terms—

Montreal, 26th March, 1885.

The Hon. J. H. Bellerose,
The Senate, Ottawa.

My dear Sir,—Your favor of the 24th instant received this morning, referring to a newspaper item, namely—

"The Acting-Warden, Mr. MacKay, did not escape the ill-natured and uncalled-for flings of Mr. Bellerose."

In reply I have to state that your note was the first intimation I had of any such remarks having been made; that I never authorized them in any shape or form; and that I do not approve of them.

I am, yours faithfully,
H. B. MacKay.

Mr. MacKay left the Wardship in the fall of 1881, when Mr. Laviolette was appointed to that position.

I emphatically deny that I have ever uttered a single word against Mr. Laviolette. Though he had been appointed in preference to the gentlemen I and others had recommended, I knew too well what an honorable and clever man he had always shown himself to be to try to injure or belittle him in the least. No one knows this better than your informant, whom I had on more than one occasion to advise not to excite himself against that gentleman lest it could injure him (your inspirer).

I said at the time of the appointment, and I say now, that the Government were wrong in not appointing a younger man, such as my nominee was. Mr. Laviolette, though not an old man, was not a young man. But the appointment having been made, I was then, and I am now, bound in justice and in honor—and so is the Government—to judge this officer by his acts and his merits as Warden; and so I have done. I saw him at work, I also saw his works, and I was forced to the conclusion that he was a hard-working man, that he succeeded well, that the institution made good progress, that in the opinion of any disinterested party it could fairly compare with even the Kingston Penitentiary, and that

he had shown himself to be the proper man to take charge of that prison at such a critical period of its existence, when there existed inside the walls two parties quite adverse one to the other as shown by the reports of Mr. Acting-Warden Mackay and of the Inspector.

Mr. Laviolette, before his appointment, had had generally under his control some few hundred men, which gave him valuable experience as to the proper mode of dealing with men. It was comparatively easy for him to gain the good will of his staff. This he did, and succeeded so well that that *esprit de corps*, so important to the good working of such an institution, had already been pretty well restored when two gentlemen, from whom the country expected better, raised a cry of vengeance against him. From that day things became worse and worse every day through the efforts which were continually made to throw on Warden Laviolette the responsibility of this nefarious work with its consequences.

Such are the facts, so that if the Government desire to have justice done let them appoint a Commission of which every member will inspire confidence—men who will not allow themselves to be interfered with nor care which party will have to be pronounced guilty, men whose conscience will have full power over their passions. Let every member of that Commission show his determination to get at the bottom of all this trouble. Then and then only can the Government be satisfied that they have done their duty. They will be in a position to absolve the innocent and punish the guilty party.

As to Mr. Ouimet, M. P., no doubt I have said enough in my first letter to show that the charge is nothing but a base calumny. Even if your informant had not inspired you to write the following words which I find in your article :—

"The Minister of Justice can readily "afford to pay no attention in future to this "man, when improperly interfering with one "of those important institutions."

I have said enough to show that he (your inspirer) has good reasons to be so uneasy as he seems to be, as to the degree of credibility which the Minister may attach to my assertions on charges against him. Let him be sure that any action which I may consider it my duty to take I will do so in daylight, and will give him every opportunity to shew that he has never worked in the dark, as many may believe he has.

I hope I have fully shown that the four or five charges I have referred to to-day are untrue and calumnious, and that if they can have any effect it can be no other than that of showing what confidence can be placed in your informant.

I remain, Sir,

Jos. H. Bellerose.

Senate Chamber, Ottawa, March 25, 1885.

Mr. Blake is perfectly right when he states that the Warden of that prison is "under a constant examination and interrogation, &c." My letter to *The Shareholder*, to which I have referred shews that such is the case, and if I should repeat before this hon. body, every word which a witness from Montreal, summoned by the Commissioners to give evidence during last summer's inquiry, related to me as to the evident hostility to the Warden, shown by one of the Commissioners, I am sure hon. gentlemen would not believe it. This witness, very well known as an honest and trustworthy man, went even further and assured me that having had occasion a few weeks after his evidence had been written, to read it over, he found that a whole question and an important answer of his to the question had been omitted. But, while I am bound to admit the truth of Mr. Blake's charge, I am sure he would be wrong, if by using these words : "the administration seems to be in a condition of chronic disorganization," he desired to convey the idea that the Warden had not shown himself to be the proper man for the situation for the time being. Indeed, his success in the administration of this institution at such a critical moment of its existence, when there were two parties inside the walls of the institution, at the time he entered into office, is good evidence that the choice was a happy one, and that the appointment was in the interest of the public.

Mr. Blake adds :—

"There has been a condition of insubordination or something approaching to *espionage* and want of fidelity to the interests of the institution."

Now, hon. gentlemen, I know that there is also much truth in that statement. In answer to an attack made upon me, I wrote in the *Shareholder* of the 27th ultimo:

"Is not the one (meaning one of the conspirators) who considers spying so low, a party to a plot some of whose members have gone so far as to offer money or favors to officials of this very institution at St. Vincent de Paul if they would act as spies? There is in Montreal a party who will bear me out in this matter. A general inquiry will establish that such has been the case. This grave charge I make over my own signature."

Mr. Chapleau adds :—

"The inquiry will at least have this good effect, that the misunderstanding which has

existed between them (the warden and the deputy warden) will cease."

To this statement I am bound to answer that it is no misunderstanding; it is war against the Warden, as the last investigation will no doubt show, and a war far worse than that which took place under a former regime, when the inspector, having finished the inquiry, reported in the following words :—

"I consider it out of question to hope that the institution could be conducted properly or successfully by the warden with the present staff of officers, however competent and experienced they be, on account of the mutual feelings of aversion, distrust and hostility that exists. In my opinion a change is unavoidable."

Then the Secretary of State continues :

"I repeat, the warden and the deputy warden are quite able to fill most efficiently and for the benefit of the public, their respective duties at this establishment."

That the warden is quite able to fulfil his duties I have already shown, but as to his deputy, I will say nothing more than state here what I stated under oath when called by the commissioners to give evidence during the last inquiry. I then said, that having been asked by the brother of the present Deputy Warden to recommend the latter for the situation, I refused, stating that I could not take the responsibility of favoring the appointment of a man whom I knew was not qualified for the situation.

The hon. member for Megantic (Mr. Langelier) having then taken the floor, said :

I cannot speak as to the origin of the difficulties, but judging from something I read the other day in a paper supporting the Government—and no doubt the Secretary of State read the same correspondence—it is due to outside influence. That paper contained a very fierce article against a certain member of the other House. According to the statement contained in that correspondence, the cause of the trouble is this: That the appointment of subordinates is more or less controlled by the Senator in question, and those subordinates, knowing they would be supported against the warden or deputy warden if any difficulty arose between them, have become insubordinate. They do not seem to be afraid of being reported to the deputy warden, be cause the power behind the throne is supposed to have more weight than those officers who should have full and complete control over their subordinates. I only repeat what I have seen in that correspondence. I saw an answer made by the member of the other House referred to, saying the statements were wrong. But, judging from the tone of the correspondence, I am inclined to believe that the statements made in the correspondence against the Senator in question, are pretty well founded. The statements seem to be supported by the report.

These remarks of the member for Megantic are somewhat extraordinary, to say the least. "Charges," says Mr. Langelier, "have been made against a Senator; this Senator has denied the charges, &c." Having heard such a statement, no doubt, gentlemen, every one of you remembering the maxim, "*odia sunt restriugenda*," expected to hear the hon. member declaring the charges not proven; but no, it seems that this was too much to expect from that gentleman, who on the contrary, draws the following conclusion :—

"Judging from the tone of the correspondence, I am inclined to believe that the statements made against the Senator are pretty well founded."

Now, let me show you hon. gentlemen the tone of the two articles.

The *Morning Chronicle* of the 3rd March last, having related the difficulties under which the penitentiary of St. Vincent de Paul had been laboring for some time, concludes as follows :—

"*The Minerve* of February 24th throws some light upon the cause and origin of the troubles which have existed as well in the reformatory as in the penitentiary of St. Vincent de Paul for the last twenty years. It tells us that the conscientious senator Bellerose has been the head and front of all the unpleasantness and difficulties, and that there will be no peace so long as he lives.

To this I answered :—

"The insinuation contained in these few lines illustrates the honesty of the Rev. gentleman who gave the information, but who dare not make the statement over his own signature. Have I not given already through the press a most emphatic denial to the charge? Have I not also challenged my accuser to furnish any proof that I have ever meddled with the penitentiary except to the extent that I was bound to do as a representative of the people, and as the medium through which the people could communicate with the executive, and lay their complaints against the officials?

The two gentlemen who have secretly furnished such information to the French and English press are known to be personally interested in the present cases. They are not strangers to the difficulties under which the

St. Vincent de Paul Penitentiary has been and is now laboring. They believe that it is sound policy on their part to prejudice public opinion before the investigation of the case is over. Let them have their way; they have already profitted by so doing, but they are not sure that they will always be equally successful.

For my part, I have no fear of the ultimate result. I prefer to await the conclusion of the case before saying anything further than to give a complete denial to your charge against myself. The papers will yet be made public, and it would be difficult to say what an investigation may reveal of what is taking place behind the curtain. In conclusion, I beg to say that the time has not yet come when anyone can arrive at a fair and honest conclusion as to the conduct of all the parties interested in the matter."

Surely, if the tone of these articles shows anything, it demonstrates that the charges are not founded, that they are calumnious assertions, and nothing else.

It is always a very dangerous thing to put aside old maxims and follow new rules—rules invented for the moment, as I will illustrate by the following example: suppose I were to retort and follow the rule which Mr. Langelier has applied in my case, I would make known to the Senate every one of the crimes with which some Quebec newspapers have charged Mr. Langelier and his associates, crimes which, if they were proven, would deprive the Commons of the presence of the member for Megantic, and increase the population of our penitentiary.

HON. MR. KAULBACH—I rise to a question of order. I think my hon. friend is stepping beyond the rule of debate, and is stating something which is irrelevant to the question before the House, and reflecting on a member of the other Chamber.

HON. MR. BELLEROSE—I have been quoting from a speech made in another place, and showing how the rule adopted by a member there in attacking me could be made to work against himself.

THE SPEAKER—I do not think the hon. member from Delanaudiere is out of order.

HON. MR. BELLEROSE—Suppose I were to add that Mr. Langelier was a great criminal, that the tone of the charges made against him conclusively shewed his guiltiness, I am much mistaken if he would consider my argument a logical one, or anything but nonsensical and stupid.

Mr. Langelier adds: "The statements seem to be supported by the report."

Even if such were the case, it would not strengthen the position of the hon. member as this report carries with itself good evidence that it cannot be relied upon. A portion of the press of Quebec and Montreal has severely criticized this public document, which I will abstain for the moment from qualifying in any way. But this report does nothing of the kind. It does not contain a single word which could be so construed. It requires the ingenuity of the hon. member for Megantic to find in it a single sentence having such a meaning.

The Hon. Mr. Blake concluded as follows:—

"If it be true that persons outside the Penitentiary are interfering with the appointments, it is quite easy to understand how it is perfectly impossible to preserve discipline in the Penitentiary. I think the law was very wise which prescribed, as to certain higher officers in the penitentiary, that they should be in the nomination of the Minister of Justice, but as to the rank and file of the officers—if I may so term them—the guards, etc., they should be appointed by the warden. I think it was a wise provision, because the warden is responsible and must be responsible for the discipline, and in order to a proper responsibility these officers must be appointed by him. When I had the honor of filling the office of Minister of Justice, I received—as I dare say my predecessors and successors received—applications to forward the interests of those who desired to be appointed guards and those other officers in the penitentiary. I invariably declined to coumunicate to the warden on the subjest of such nominations, but I gave him this general instruction: the law vests in you the appointment of these officers, and I shall not, therefore, make any communication to you as to whom you shall appoint, but I hold you responsible that you shall appoint good, efficient men; I do not care what their politics are—but I hold you responsible for their being good officers, and in order that you may be so responsible I shall have nothing to say to you as to the men whom you shall put in. That is the position as I conceive that the Minister ought to take, because if the Minister exercises that control which if he chooses to exercise, he can exercise, over an officer in the position of a warden with reference to those appointments which nominally are in the warden's gift, it is worse than useless to put them in the warden's gift."

I believe Mr. Blake is perfectly right. It seems to be evident that in ordinary

circumstances with such trouble as that which exists in our penitentiary, discipline is an impossibility, but I may assure this House that through the exertions of the Warden, helped as he was by a great majority of his staff who have stood by him, the discipline is good, as any disinterested man who will make a serious inspection of this institution will say, and will express his astonishment at the success of the chief officer under such difficult circumstances.

I am happy to be able to again congratulate Mr. Blake on the way he dealt with this Penitentiary when he was at the head of the Department of Justice, a compliment which I paid him from my seat in this Senate at the time. But I am still more happy to be able to bear testimony to the devotion to this establishment which the present Minister of Justice has shown under all circumstances. If there is trouble there, it is no fault of the Minister, who has been deceived on more than one occasion and who has been kept in ignorance of facts which ought to have been reported to him, but which were not. As for myself, I emphatically deny having in any way been the cause, direct or indirect, of any trouble or disagreement among the officers of the prison. Neither have I ever exercised pressure upon Warden Laviolette to get any of my proteges appointed. As a matter of fact, I may add that I never asked Mr. Laviolette for such an appointment, and that Mr. Laviolette, during very nearly four years that he has been in office, has not appointed a single one of my friends—so that in undertaking the defence of that officer in the present instance I cannot be accused of being interested. I even said to the Warden, the very first year he entered upon his duties, that even if I should sign ordinary recommendations which might be presented to him, he should not consider them otherwise than as mere recommendations; that the Warden being responsible for the good working of the institution, no public man ought to use his influence to force the appointment of his friend, and that I would never do so. But I am free to admit that all our politicians do not view this matter in the same light. I even know some who claim the right to have their supporters appointed by the Warden. I believe that such a principle is wrong, and that the chief officer of such an institution ought not to be interfered with in his management of the prison. I think, with Mr. Blake, that the law was very wise which prescribed that the guards should be appointed by the Warden who has the whole responsibility of the discipline of the institution. *Justitia et pax osculatæ sunt.*

Hon. Sir ALEX. CAMPBELL—The Government has no objection to the Address, but upon enquiry this morning I was informed in the Department that no correspondence has taken place between the Department and any member of Parliament on the subject, as far as known, up to that time. However, if there is any such correspondence it will be brought down. I take occasion to say that the rule which the hon. gentleman has referred to as having been in force when Mr. Blake was Minister of Justice has obtained ever since, and no influence has been used by the Government with regard to the ap pointment of guards or officers of the penitentiary. Those appointments are left in the hands of the wardens, for the very reasons that the hon. gentleman has mentioned—that as the warden is held responsible for the discipline and management of the penitentiary, it is felt that it is safer to leave to him the appointment of the guards and other officers under his control.

Hon. Mr. BELLEROSE—That is the idea I wish to convey, that the present Minister has always shown himself to be adverse to any political influence entering into the appointment of officers of the penitentiary.

Hon. Mr. KAULBACH—With regard to the appointment of subordinates in the penitentiary during the term of office of the previous Minister of Justice, a letter was sent to me by some person soliciting my influence with the Minister with reference to the appointment of officers in the penitentiary, and I got the same answer from the Minister of Justice then that is now given; that he had nothing at all to do with the appointments; that the warden was responsible for the discipline of the prison, and for the appointment and the conduct of the subordinates, and unless he had the power to make the ap-

pointments he could not be held responsible for the proper management of the institution. I considered that I had received a fair rebuke and I was impressed with the force of the argument used. I am very sorry that the hon. gentleman from Delanaudiere has brought up this motion. We have it before us every year, and I think it is rather unseemly that the Senate should be mixed up with the little petty questions in dispute respecting the internal economy of the penitentiary. It is an institution that is intended to be so set apart from the rest of the world, that there is supposed to be no correspondence or communication between it and the outside public, and I think it is well that Senators should not seem to be as familiar with the internal arrangements of the penitentiary as my hon. friend would appear to be. I would advise him to keep away from it and its officers.

The motion was agreed to.

THE HALIFAX VOLUNTEERS.

AN EXPLANATION.

HON. SIR. ALEX. CAMPBELL—Before the orders of the day are called, I desire to refer again to the question which was put yesterday by my hon. friend from Halifax, with reference to the disappointment which attended the arrival of the volunteers from Montreal, on their way up from Halifax. The volunteers who then arrived were obliged to leave Montreal without getting their supper, after having fasted all day long, and my hon. friend asked whether any information could be given by the Government on the subject. After the House had adjourned, I saw the Minister of Militia and spoke to him about it, and he telegraphed to the Manager of the Grand Trunk Railway, and in reply received the following despatch :—

Ottawa, April 14th, 1885

From Montreal—

No instructions received here beyond the order that volunteers were to be run through to Ottawa ; we did not think it proper therefore to bring train into Montreal without authority. Volunteers were two hours at Richmond and an hour at St. Henri Junction and we understood it was desired to push them through to Ottawa with despatch ; had Colonel Bremner fixed any time to remain here we should of course have complied, but it was only four o'clock when they arrived and we had no information they desired to take a meal here before proceeding. I sent Mayor and party out special to junction to receive them.

W. WAINWRIGHT.

Although there is some misunderstanding on the part of the Grand Trunk Railway people, as to the orders which were received from the Minister of Militia, which were to send on the troops with despatch, but which could hardly be construed into sending them on without necessary food, I think the fault really lay (although I desire to say it with hesitation) with the officer who commanded the regiment. If he desired that his men should take a meal in Montreal, he should have said so distinctly and firmly, and then his wishes would have been carried out and the train would have been sent into Montreal, and the men would have had their refreshments to which they were so justly entitled.

HON. MR. KAULBACH—I should not like to hear any censure applied to Colonel Bremner, as he would not be aware of what the circumstances were at the time. I do not desire to take up the time of the House unnecessarily, but I am very glad that my hon. friend from Halifax has taken such an interest in the volunteers from Nova Scotia. I would like to read an article showing—

HON. GENTLEMEN—It is out of order.

HON. SIR ALEX. CAMPBELL—There is nothing before the House.

HON. MR. DICKEY—In common with many of the Maritime Province members, and most of the members of this House I trust, I fully share the regret, and I might almost add the indignation which was expressed yesterday at the unnecessary discomfort and hardship to which the Halifax volunteers were exposed ; at the same time I feel bound to say that we never contemplated for a moment that any order which was issued for expediting the transport of the troops could possibly be intended to imply—knowing as well as I do the high character and good feeling of the Minister of Militia

—that those men were not to receive the same comforts in the shape of food that other passengers on the railway were receiving. These brave fellows were on their third night of travel in second class cars, without any sleeping accommodation, and the complaint is that they were kept from the morning of Monday to the morning of Tuesday without any food. That is a matter that would touch the feelings of any person, and much more would it do so the feelings of those who are acquainted with many of those volunteers, and who consider that they were wronged. I think there is some misunderstanding about the dispatch that has just been read, because it was well known through the newspapers that an entertainment was prepared for those men at Montreal, and it was stated also in the newspapers that the Mayor of that city went to the traffic manager of the Grand Trunk Railway and told him so, and stated in a dispatch that he was sent out to meet them; yet they were not allowed time, because as stated in that telegram they threw the blame on the Minister of Militia and said that their orders were not to delay the troops, but to send them on immediately. So that the traffic manager had the information that those men required the food that was there for them, and that may possibly account for any want of action on the part of Colonel Bremner along the road—that he expected food for his men at Montreal, because he knew it was there for them. I only desire to state further, because I do not want to impute blame to the Government, that out of the 360 men who compose that battalion, 75, I understand, were reserve men; that these were veterans of Zululand, and Afghanistan and other places, where they showed the kind of metal they were made of, and I am glad to be able to state it because it will be an assurance to the House that when those men come to the front and are called upon to act—as I hope and trust they never may be called upon to act—the element which is infused into the various companies of this battalion by the addition of the reserve men, will show the metal they are made of, and if called upon to meet the enemy they will do their duty. I am very glad to receive the assurance, which I was quite prepared to hear, that as far as the Government is concerned, they had no wish that those men should be kept on the line without food. It would have been inhuman to expect that they should have been so kept, and I think some explanation should be called for from the managers of the Grand Trunk Railway as to the harsh and inhuman treatment to which those men were subjected.

HON. MR. READ—I think that the explanation given in the telegram is not a very correct one. It is evident that the men were to be pushed on, but in the explanation given by the telegram they were allowed to remain two hours at Richmond and an hour at St. Henri. If they were to be pushed on, it does not show that the railway managers acted according to orders, when they were delayed such a time at those places.

HON. MR. HOWLAN — And there was nothing for them to eat there either.

HON. Mr. READ—It is well known that volunteers will put up with privations where it is necessary, and without grumbling; but when the food is ready for them and they are not permitted to obtain it, I think the explanation given is a very poor one, after a delay of two hours in one place and one hour at another place.

HON. SIR ALEX. CAMPBELL—The manager of the Grand Trunk Railway said that he was ready to take them into Montreal if Col. Bremner had expressed that desire: but the Colonel seems to have been carried away with the impression that the men were to be pushed through without reference to their meals. It seems to me that the blame is not with the managers of the railway, but with the Colonel of the regiment. He should have said to the railway manager: "There is a meal ready in Montreal for my men, and I must go into Montreal," and if he had done so and insisted on it, it is evident from the telegram that the train would have been sent into Montreal, and the men would have had their dinners.

HON. MR. KAULBACH—But Col. Bremner could not do that in the face of the telegram from the Government, that the men were to be pushed on without any delay.

BILL INTRODUCED.

Bill (7) "An Act respecting certain Advances to the Provinces." (Sir Alex. Campbell).

YORK STATION, PRINCE EDWARD ISLAND RAILWAY.

AN EXPLANATION.

HON. SIR ALEX. CAMPBELL—There is one other explanation which I desire to make before going to the orders of the day. It is in reference to the question put by the hon. gentleman from Prince Edward Island (Mr. Haythorne) two or three days ago, in regard to the Island Railway. The hon. gentleman desired to know why, or by whose authority, the siding had been taken up at two points, particularly at the point called York Station. The answer of the Department of Railways is, that those branches or sidings were taken up in 1877 by Mr. Mackenzie's orders, as they were never used.

HON. MR. ALMON—Hear, hear!

HON. SIR ALEX. CAMPBELL—Then with reference to the train service upon the Prince Edward Island Railway, I am safe in saying it is more extensive and complete in proportion to the business done on the road, than upon any other railway in Canada. To better accomodate the public, a re-arrangement of the arrival and departure of the trains was made a year or two ago, when the press of Charlottetown commented favorably upon the change. I am also told that one reason why the traffic at York Station is very small is that it is only five miles to Charlottetown from there by the public highway, whereas it is ten miles by the railway, and that accounts for the smallness of the business done at that station, and the smallness of the business led to the doing away with the station.

HON. MR. HAYTHORNE—While the hon. Minister of Justice has mentioned two incidental matters referred to in my question, he has not touched upon the cause as to why York Station was removed. It is an entire mistake to say that York Station is only five miles from the city. I will stake my reputation that by the high road it is seven miles from Charlottetown, and if I am driven to the point, I may explain how that station came to be built there, and perhaps the hon. gentleman will not be very proud of it when he hears the explanation. The statement sent down by the Department is quite incorrect as to the distance of York Station from the city, and if York Station has not been a productive station so far as business is concerned, it has, at all events, highly productive lands and fisheries around it.

HON. SIR ALEX. CAMPBELL—That was the point that I answered the other day. The reason the station has been closed is that there was not sufficient business to warrant the Railway Department in keeping it open.

HON. MR. HAYTHORE—Is it the intention to re-open it?

HON. SIR ALEX. CAMPBELL—I do not know.

HON. MR. WARK—We had a system in New Brunswick before confederation by which family tickets were issued. They were numbered up to 24, which made 12 trips of an adult. Two numbers were punched out for the round trip, and if it was a child one was punched out. Any member of the family could use it, and the same system might be introduced on this road where the people are not able to get return tickets.

HON. SIR ALEX. CAMPBELL—I suggested to the gentleman who has charge of that part of the railway business, some plan of that kind might be adopted if this station was not to be opened, so that those who travel from York Station to Charlottetown or elsewhere may obtain the advantahe of a return ticket if they seek it.

MARITIME COURT OF ONTARIO BILL.

THIRD READING.

HON. MR. TURNER moved the third reading of Bill (11) "An Act to extend the jurisdiction of the Maritime Court of Ontario."

HON. SIR ALEX. CAMPBELL—That Bill has not been amended as it was understood in the committee, if the minutes and proceedings are right.

HON. MR. POWER—I did intend calling the attention of the Minister of Justice to the way this Bill reads as amended but he was too busy until now with other things, and I had not the chance to do so, but I call his attention to it now. The first clause as amended reads this way :—

"1. The Maritime Court of Ontario shall have jurisdiction over any claim for the building, equipping, repairing or material supplied for such purposes by authority of the managing owner or any of the managing owners, if more than one, of any ship to which the jurisdiction of the court extends."

I do not wish to go into a minute verbal criticism, but as we have under taken to amend this Bill which comes up from the House of Commons, I think our amendments out to be such as would not excite reasonable criticism in the other branch of Parliament, and I think it is quite clear that those amendments have been so inserted as to make the clause ungrammatical. I would suggest that my hon. friend should move that the Bill be re-committed for the purpose of being amended, and I think the Minister of Justice will agree with me.

HON. SIR ALEX. CAMPBELL—I do agree with the hon. gentleman. The amendment I suggested originally was "with the authority of the owner of any ship to which the jurisdiction of the Maritime Court of Ontario extends, etc." The way it is now, makes the Bill almost nonsense. I move that the said Bill be not read the third time, but that it be referred back to a Committee of the whole House for further consideration.

The motion was agreed to, and the House resolved itself into a Committee of the Whole on the Bill.

In the Committee, the amendments suggested were made.

HON. MR. ALLAN, from the Committee, reported the Bill as amended.

The amendments were concurred in and the Bill was read the third time and passed.

LAW OF EVIDENCE, CRIMINAL CASES, BILL.

SECOND READING.

HON. MR. POWER moved the second reading of Bill (6)—"An Act to further amend the Law of Evidence in Criminal Cases." He said—I regret that this Bill has not fallen into the hands of some one who is more familiar with the law of criminal evidence than I am. I approved of the Bill, and when it was brought up to this House, as no one undertook to take charge of it I gave notice that I would move the second reading. Since that time another hon. gentleman has been spoken to in connection with it, but only a very little while since ; so I shall proceed to move the second reading of the Bill and state as briefly as I can some of the reasons why I think the House should give it a second reading. As the law stands at present while the accuser in a criminal case, no matter of what character, is allowed to give evidence under oath, the accused in cases of a serious nature is not allowed to do so. The object of this Bill is to remove that disability from the accused. The first clause contains the gist of it. It is as follows :—

1. Every person charged with an offence, and the wife and husband, as the case may be, of the person so charged, shall be a competent witness on every hearing at every stage of such charge, and whether the person so charged is charged or arraigned solely or jointly with another or others.

Then the second clause of the Bill provides that while a person accused is a competent witness he shall not be compellable to be a witness. The fifth clause of the Bill provides that if the accused person does not tender himself as a witness, no observation shall be allowed to be made by the prosecutor at the trial on that fact. That is an amendment made to the Bill in the House of Commons. The Bill as originally introduced in the House of Commons, without this fifth clause, was an exact copy of a Bill which has passed the House of Lords in the Imperial Parliament during the present session.

HON. MR. DICKEY—The House of Commons.

Hon. Mr. POWER—And the House of Commons, too. I think that the principle of the Bill is a very reasonable one. At one time the object of the law seemed to be to exclude every one from giving evidence either in a civil or a criminal case, who had a direct interest in the result of the case. That law has been altered as regards civil matters, and it has been altered to a very considerable degree also with regard to criminal matters. In 1878 we passed an Act here allowing the defendant in a case of criminal assault to give evidence in his own behalf. In 1880 that Act was extended and the defendant in a case of battery was allowed to give evidence on his own behalf. Then there are certain offences made crimes under the election law, and the accused persons are allowed to give evidence on their own behalf. In the Bill which we passed here the other day, and which has not yet become law, but which I think has been passed by both Houses—the Explosives Act—there is a provision that the party accused shall be allowed to give evidence on his own behalf. The House will see that in the case of certain minor offences the accused is allowed to give evidence, and under the Explosives Act, where a man is accused of the most atrocious crime, he is allowed to give evidence; and there does not seem to be any logical reason why the accused in cases of ordinary misdemeanor and felony should be denied the same right. It does seem that, if a man who has been guilty of assault and battery, where the most serious penalty that can be inflicted upon him is imprisonment in a gaol for a comparatively limited period, is allowed to give evidence on his own behalf; surely where a man's liberty for years, or even his life may be at risk, there is a greater reason why he should be allowed to testify. I omitted to state that in England, in addition to the cases we have here where the accused is allowed to give evidence, under the Act respecting merchant shipping, known as the Plimsoll Act, he is allowed to give evidence on his own behalf. Looking at the debates which took place in the other Chamber, I find that the objections to this Bill are summarized under four heads. One is that the Bill is not necessary. That I think cannot be very well claimed, because if the Bill was not necessary we should not have found it introduced and passed almost without any dissenting sentiment in the House of Lords, in England, and also passed by the House of Commons there; and the member who had charge of this Bill in the other House, the hon. member from Huron, mentioned a recent case in which very great hardship had been caused to comparatively respectable men by the fact that they were shut out from giving evidence on their own behalf. It is a case with which the Minister of Justice is familiar. The accused persons were named Beamish, and they were convicted of having killed one Main. On the advice of the Minister of Justice the sentences of those men who had been convicted were commuted to short terms of imprisonment; because it was thought that the evidence given by the prosecutors was not reliable, and it was felt that if the accused could have given evidence on their own behalf the verdict of the jury would have been the other way. In a great many cases the persons accused are convicted on evidence which is almost purely circumstantial. In cases where the evidence is of that character a very simple statement from the accused may be sufficient to remove the unfavorable impression caused by the circumstantial evidence. It seems that there is no good reason for retaining this restriction, and there is a necessity why it should be done away with, not an urgent necessity, but still a reasonable necessity. Another argument used less this session than last against this Bill, was that it was not the law of England. This Bill, or a Bill almost identical with it, has been passed by the House of Commons in England, I think twice. During the present session, a Bill identical with this except as to the 5th clause has been passed by the House of Lords and has gone down to the House of Commons, and an almost identical Bill has been passed by the Commons. I noticed with respect to this English Bill that there was, as I said before, an almost entire unanimity of sentiment about it. When one found the liberal Lord Chancellor and the conservative Ex-Lord Chancellor, Lord Cairns, who recently died, the late Lord Bramwell who introduced the Bill—all going together it was pretty good evidence that the measure was a desirable one. The question has been

asked as to why it had not become law, if the feeling in England was so strongly in favor of it. The reason it has not become law is the same as may be given for the failure of a great many good measures to become law in England during the last few years —that the time of Parliament has been so taken up with matters of a very urgent character, and so much time has been wasted there by obstruction of one kind or another, that Parliament has been obliged to allow very important and useful measures to lie over. This law, or one like it, is in force in most of the states of the American Union, too. The only substantial objection to this Bill, and the one which has been urged with the most energy in the House of Commons is, that it would lead to more perjury than takes place at present in the courts. That may or may not be true; but the same argument was used against allowing the evidence of the parties to be given in civil cases. That was looked upon before the law was altered as being a very strong and almost conclusive reason against allowing parties to testify; but, although there may possibly have been some increase of perjury under the new system, no one would wish now to go back to the old system in civil cases, where the mouths of the parties—those who knew most about the facts—were closed. The object of a judicial investigation is to ascertain the truth, and I think we are more likely to do that by allowing the persons who know most about the facts to testify; and the people who know most about the facts, as a rule, are the plaintiff and defendant in civil cases, and the prosecutor and accused in criminal cases. The object of this Bill is to put the accused in serious criminal cases in the same position as the defendant is in civil cases, and as the accused is in minor and exceptional criminal cases. The other objection was that it would introduce the French system. The French judicial system is altogether different from ours; and I do not think there is the slightest danger that the judges in this country would put accused persons on the sort of rack which the accused is put upon in France at the first investigation. I do not think there is the slightest danger of that. There was very little stress laid on that by the gentlemen who discussed the Bill in the other Chamber. I have already stated that this measure or one identical with it had passed both Chambers in England. I find it has passed the House of Commons of Canada three times, or a Bill substantially the same; and it has failed to come here for reasons that it might take too long to explain. In one case this Bill was embodied in a Bill along with two or three others, and it suffered from the unpopularity of its companions. This year the same thing was attempted in the other Chamber, but the hon. gentleman who had charge of this Bill refused to imperil his work; and the Bill has come up to us by itself. Now looking at the reports of the debates in the other House I find that this Bill received its second reading on the 20th February, and that the vote in the Commons stood 55 against the second reading and 87 in favor of it—that is a two-thirds vote. Then I find that on the 11th March when the final division took place, there were in favor of the Bill 76, and in favor of the amendment that was moved 34; so that there was a majority of more than two to one. I find that the Right Hon. the Premier and the leader of the Opposition, Sir Hector Langevin, and Mr. Laurier, Mr. Dalton McCarthy, and Mr. Mills all supported the Bill. I hope that, under the circumstances, as it is not in any way a party measure, and as it has passed the House of Commons now three times, and passed by a very large majority, and as is has been adopted by both Houses of Parliament in England, there will be no objection to the Bill being read the second time.

HON. MR. KAULBACH—I must oppose this Bill. I think it is a measure of dangerous tendency, one which this House from its peculiar nature should not hesitate to take time to consider, for although in theory it looks fair, in pratice it would be the reverse. I do not agree with my hon. friend that similar measures to this have become the law in England.

HON. MR. POWER—I never said so.

HON. MR. KAULBACH—The hon. gentleman said a Bill almost identical with this had passed both Houses of Parliament, and the inference was that it had become law. There is no such law

in England. There are three Bills now before the British Parliament clashing with each other, one from the Minister of Justice, one from an able jurist, Lord Bramwell, and another from the Criminal Code Revision, and they seem there not to be agreed among themselves or in harmony as to what the Bill should be, or whether there should be legislation at all of this nature. I consider this is a subject above all others on which we can and should hasten slowly, and wait until we see what England's law is to be before we attempt to introduce such a radical measure in this country. I think we can safely continue to follow England's guidance and precedents in criminal law, especially in a matter of this kind. What is necessary in England in these matters, will suit us here. The promptings of criminals are alike every where. My hon. friend has referred to the Explosives Act as a precedent for this. That was a different measure from this in it object, scope and nature, and the same principle would not apply to both. In the case of the Explosives Act, I think the party is presumed to be guilty, and it is therefore proper and necessary to bring him in and permit him to explain how he came possessed of those explosive substances, and for what use they were intended. The law passed here the other day was of the same character as the English Act, and I think my hon. friend in bringing forward that as a precedent for this legislation showed the weakness of his case: at least it did not constitute a strong argument in support of his measure. My hon. friend has show no necessity for this Bill. It is a measure which effects all classes of the community, and if there is any injustice done under the existing law we would soon hear of it. My hon. friend has mentioned one isolated case, and I think he cited it wrongly, because I do not think that any one of the parties was convicted of murder.

HON. MR. POWER—I did not say they were convicted of murder.

HON. MR. KAULBACH—My hon friend made a mistake then, for he said murder. In that case one was convicted of man-slaughter. The accused was a very old man and the Minister of Justice in his clemency commuted the sentence. My hon. friend talked of the House of Lords and the Commons passing such a Bill. There is not and there never was such a law in England, and I believe it will be some time before we have such legislation. We should not only first see what will be the form of the Act that England adopts but also what is the practical effect of it before we undertake to legislate in this direction. We might possibly pass a law which on more matured consideration we would be sorry for and which in a few years we would be disposed to repeal or alter, but the injury done would still exist. My hon. friend speaks about the majority by which this Bill was passed in the other House, but he must see that there were only about half the members of the House present at the time.

HON. MR. POWER—There were more than half the members present.

HON. MR. KAULBACH—The vote stood 55 to 87—140 altogether; that is not much more than about half of the full House.

HON. MR. POWER—There are 211 members altogether in the House of Commons.

HON. MR. KAULBACH—My hon. friend cannot contend that it was passed in the full House. The law and the rules of evidence relating to civil suits cannot possibly be adopted and applied wholly to criminal cases. In the second clause of this Bill it shows that it cannot be based on the same principles. You cannot apply the same principle in criminal cases and in civil cases. The second clause admits that you cannot apply the same rules alike to criminal and civil actions. I wish you to look at that section. It shows that you cannot deal alike with criminal and civil cases, because it says there that the accused for any crime shall not nor shall the wife or husband of accused be compelled to give evidence in any stage of the proceedings and then singularly enough in the last clause it provides that no comment shall be made—no observation shall be made or inference drawn from the fact that the accused refuses to give evidence. Does my hon. friend mean to tell me that a jury

will not see it and draw their own inferences? If a man has the power to go into the witness box and give evidence of his innocence and does not do so, that fact will go far to persuade the jury of his guilt, and he may be silent for the highest and best of reasons, for which he should be honored. Therefore instead of this being a benefit to accused persons, or in the interests of justice or morality, I contend it would have the opposite effect. Our laws should be aimed at the perfection of justice. Of course we cannot in such matters arrive at perfection : laws will be imperfect but we should endeavor to come as near perfection as we possibly can. We should aim at perfection. I cannot see that this Bill is an improvement on the law as at present administered. It certainly would not be in the direction my hon. friend indicates. In this country we have a large number of justices and judges administering criminal law, yet no suggestion of this kind comes from them, and the populace looking on would soon see whether any injustice was perpetrated by defects in the law of evidence and would petition for the remedy. I am sure that those who administer justice from the highest to the lowest court would call the attention of the Minister of Justice to any defect in the law which would prevent parties from obtaining justice, but nothing of the kind has been done. I think we should always be ready to accept a good measure, no matter from whom it comes; but I think we are hastening a little too fast in this matter. The eyes of the Minister of Justice must be blind and his ears must be closed if there is any necessity for this Bill, if the scales of justice are not perfect, or have not been perfectly poised, because he has suggested no such legislation as this. Although the administration of justice is in the hands of the judges, yet it is for the Minister of Justice not only to see that every facility for administering justice is given; but that there be no palpable defect in this law of evidence. I cannot accuse the Minister of Justice of neglect, as I cannot believe that this Bill is necessay, but on the contrary unnecessary and with a tendency to demoralize. I ask my hon. friend to refer to what Mr. Blake, when Minister of Justice in 1877, said when a Bill of this kind was introduced by one of his supporters—I think it was Mr. Dymond. No doubt he was inclined to look as favorably as possible on a Bill emanating from such a source, but he declared that it was not in the interest of justice, that it was a dangerous thing to place in the hands of the court. He gave his reasons; they are very cogent, and I will read some of them. He said "he could conceive of some cases which had occurred in his own experience in civil suits in which an innocent man, owing to his nervous habits, great excitement at the time, or unhappy mode of giving testimony, would be placed rather at a disadvantage than otherwise."

But it seems the hon. gentleman who made that utterance on the floor of Parliament has changed his mind as to the nervous habits, the effects of court excitement, or the security existing for the protection of the innocent. That it would be wise to give him the privilege of going into the box, but yet not to compel him to give evidence or to go into the box. We have not in this country a trained magistracy. In England it is different. There some special qualification is reqnired, and they are men of high intellect and social standing. If a man is permitted to give evidence and attempts to do so in his own case, he can be cross-examined before a magistrate, and we know from the manner in which our magistrates are appointed, and those to whom the commission of the peace is given in this country, that they are not always persons who are likely to be the guardians in all cases alike of justice and afford proper protection to the innocent or even the accused. I think it would be a grievous wrong to a prisoner to permit him to give evidence in his own case, for a prisoner is likely, the more desperate his case is, to catch at straws. He may think "if I swear I may clear myself." His counsel cannot prevent him from doing so, even though he may think that his giving evidence will result in his conviction. Then again a man of a depraved character is almost certain to perjure himself. I have had some 30 years' experience in prosecuting or defending in criminal courts, and I have seen hundreds of cases disposed of, and I do not believe that in defending or prosecuting under the existing law any injustice has been done in any one of those cases.

I do not believe that in any of the cases that have come before me professionally anyone has ever been convicted wrongfully. I ask my hon. friend this—of the hundreds of cases where men have been found guilty, supposing they had been given an opportunity to give evidence in their own behalf, would they not have committed perjury? If they had entered the box they would undoubtedly have done so—they would have called upon God to witness that they were not guilty and they would have acted it out through life regardless of consequences present or future. I say it is dangerous to give an accused person this privilege. When a man commits crime and swears that he is innocent, he is guilty not only of the crime for which he was tried, but is a perjurer besides; and he will never in this world at any rate confess his wrong, the crime or the perjury. Therefore I cannot see in the interest of justice or in the intrest of accused persons that this legislation is wise. It is dangerous to accused persons and to the morals of the country. In a civil suit we permit the defendant to give evidence and we could not go back on it now. Where it is a question of fact, and not of law, we find sometimes, yes, often to our great horror, the consequence of allowing persons to give evidence in their own cases. How much worse would it be if you allow a man who is guilty of a crime to go into the witness box and give evidence. It would have this effect also; in criminal matters the evidence must be such as is beyond a doubt. The counsel for the prosecution simply aids the Court in coming to a just conclusion. The judge mostly always leans on the side of innocence. The presumption of the law is that a man is innocent, and his guilt must be established beyond a doubt; and the accused can make his statement to court and jury, but if you allow a man charged with crime to give evidence in his own case, you will find instead of the doubt being in favor of the accused the jury will be inclined to give a verdict according to the weight of evidence, which will be rather against the criminal than otherwise. In addition to that I believe it will be the means of confirming criminals in their vicious habits instead of reforming them. They dare not come forward after having sworn that they are innocent and confess their guilt and express their sorrow for it; but they will live and die perjured, as well as guilty of the offence. It is quite evident from what Mr. Blake said in 1877, that he was not in favor of this measure then. He said on that occasion, "he thought the existing securities for the innocent were as powerful as and perhaps more powerful than the protection obtained by the prisoner telling his own story." At that time he was opposed to this Bill, and I cannot conceive how his opinions have been changed. Nothing has occurred that I can see in the last seven or eight years to change his mind upon this question. Then again he said "if the accused did not offer his own evidence he would be exposed to the remark that he dare not do so." At that time Mr. Blake evidently saw that it was not in the interests of justice or the prisoner himself that an accused person should be allowed to give evidence in criminal cases. Whatever may be his present position he has given no reasons why he should change his mind on this Bill. I do not want to take up the time of the House with the further discussion of the subject, because I think every hon. gentleman must see that if there is any question on which we should hasten slowly it is this one. We should wait to see what the Parliament of England would do. The same impulses of nature which would influence a criminal giving evidence in England would influence a criminal here. I see no difference between the circumstances here than there, and therefore I think we can fairly wait until we see what the law of England will be in this matter, or whether there will be any legislation of this kind at all. It may sound very well to tell a man that his mouth is shut; but I tell you it is well for the safety of the prisoner in most cases to have his mouth shut. The sympathy which he generally gets from the jury is from the fact that he cannot give evidence. He gets sympathy in that way that he would not otherwise, and which would be denied him in nine cases out of ten if he were permitted to give evidence. He would simply convict himself, or his silence would be construed against him. Looking at it from a moral point of view, and, beyond that, in the interests of the perfection of justice which is striven for, I cannot see how we can derive any benefit by legislation of

this kind. I fail to see in any way how this Act would be beneficial. I do not know what the views of the Minister of Justice are on this matter; yet I feel certain that he cannot have a strong conviction in favor of this Bill; otherwise, instead of having this Bill before the House by its present mover, it would have come from the Minister of Justice himself. We should have no tampering with legislation of this kind. If there is such necessity for the passage of this Bill as my hon. friend from Halifax seems to think there is, I consider it is rather a reflection on the Minister of Justice who ought to be the guardian of the public interest in such matters.

HON. MR. DICKEY—I wish to state as distinctly as I can in a few words the difficulties presented to my mind, and why I cannot allow myself to consent to the passage of this Bill. My hon. friend has placed it on two grounds. He urges that this Bill ought to pass because of its analogy to the Act which was passed some years ago to enable parties to give evidence in their own behalf in civil cases. In the first place it is a very strange analogy to draw between a case in which a party is called upon to give evidence for or against other parties in his own case in a matter of disputed account, and a Bill dealing with serious charges against a person which might subject him to long imprisonment, or possibly to a sentence of death. But there is another and a fundamental difference between the two cases, and it is this:—under the present law of evidence a man is compelled to give evidence in civil suits against himself, but by this Bill you do not allow the Crown or the opposing party to call upon an accused person to give evidence. By the second clause of the Act you declare that his wife shall not be allowed to give evidence against him, nor the husband against the wife, if the wife is the person charged; therefore the cases are not analogous at all. The other ground on which my hon. friend bases his Bill is, I humbly submit, equally unfortunate. He says that the legislature has already enacted a law which enables persons indicted for assault or battery to give evidence for themselves, and therefore he thinks they should be allowed to do so in serious cases like those which come under the operation of this Act. I am speaking in the recollection of some hon. members who were present at the discussions upon that Bill, and they will remember, with myself, that the great argument against it was that it would be used as the entering wedge to alter the whole law of evidence in criminal cases, and to enable the same principle to be applied to serious cases, such as murder or treason. That argument was met in a very plausible way. It was said "this is merely a case of assault and battery, where a party chooses to indict another instead of bringing a suit against him for damages; but the other stands on an entirely different footing." The promoters of that Bill stated distinctly that their views would not carry them so far as to agree to any Bill of the kind that is now before us; but that in a trumpery case of assault and battery it was very hard that the mouth of the man accused should be shut. Therefore, Parliament went that far, but it would not agree to go any farther. On neither of these two points does the analogy hold, and my hon. friend who has introduced this Bill certainly gives the very strongest reason, upon that argument, why we should not pass this measure—because, as he says, if it is right to allow a man under a trifling charge like assault and battery to give evidence to acquit himself, surely the argument is much stronger when you apply it to murder and treason. That is the very argument of my hon. friend to-day—just the reverse of the argument that was used to get the entering end of this wedge into the criminal law, and which if followed up would make a perfect revolution in the law of criminal procedure. It is said that a Bill of this kind has been before the House of Commons in England, and before the House of Lords, and that it has passed each of those Houses, although it has not yet become law. I say that we have no right to treat it as law until it has become law, and probably the very fact of the Bill not being opposed arose from the other fact that it was supposed there was no probability of its becoming law. The hon. gentleman himself has truly stated that for the last year or two it was scarcely possible to get any legislation through the Imperial Parliament, and therefore the opposition to the Bill has never seriously

developed itself, and I do submit to the Minister of Justice that we should, in regard to this particular measure, do as we have done with regard to all other Bills, especially acts relating to crime—that we should wait until legislation has taken place in England, and copy our legislation from that after we have seen how it has operated in the mother country.

HON. SIR ALEX. CAMPBELL—Hear, hear.

HON. MR. DICKEY—That is the safe rule, and has always been the rule with us; the other is a leap in the dark. There is one other point that I wish to refer to, and that is, by this Bill it must be admitted that you give the greatest possible temptation to the accused to commit perjury to get himself acquitted. In other words, you allow him to swear himself clear of one heinous crime by committing another heinous crime. I ask the hon. gentleman is that a good principle of legislation? We should pause before placing such an Act as this on the Statute Book; an Act that would give rise to a state of things such as I have referred to, because I hold that of the many crimes that are rampant in the country—and I am not sure that the list has not been added to by this law of evidence that is spoken of—the crime of perjury is one that should gravely attract the attention of the Minister of Justice, and of all persons who look for order and good government in the country. Yet here we are asked to pass an Act that would put a premium on perjury by inducing a man to relieve himself of the consequences of one crime by committing another.

HON. MR. GOWAN—With a very large experience in the administration of criminal justice—larger perhaps than any one in the Dominion—I may say that I am entirely and strongly opposed to this measure.

HON. SIR ALEX. CAMPBELL—Hear. hear.

HON. MR. GOWAN—I believe that it is a dangerous measure, and it is certainly contrary to the spirit of the British law, which makes all exception in favor of the accused, and commands the very judge to be counsel for the prisoner. Many hundreds, I might almost have said thousands of cases have been before me in the long period of 42 years on the bench, and I can say—and my memory is good—that in no single instance did I feel there was a failure of justice because the accused was not allowed to testify on his own behalf. I am quite aware that there is a great difference of opinion amongst the profession, and amongst members of the bench in England and elsewhere, and a great deal has been written on the subject; but I speak from actual knowledge and a long experience, and I have no hesitation in saying that I believe it is not necessary in the administration of justice—at all events I know of no single case in which I felt at all disturbed because the accused was not allowed to testify on his own behalf. The prisoner can always, by himself or by the mouth of his counsel, tell his own story and give his version of the matter; and whether that is given upon oath, or whether it is given by mere statement, I think, makes no substantial difference. It will always be considered by the jury, or if the fact-finding body be a judge it will always be considered by the judge, and if the statement made by the accused is such as, in its reasonableness and its character, to commend itself to the judgment of the court or jury it will receive the attention it deserves, and will receive as much consideration as if it were asserted under oath. The criminal who is charged with a serious offence, and has committed it, will not, in my opinion, scruple to commit the crime of perjury to escape from it. If the prisoner is allowed to give evidence in his own behalf, cross-examination must be allowed, and he will have to expose the record of his life, and he may be convicted not so much upon the evidence that is against him as by the impression that is made upon the minds of the jury that his conduct has been in the past such as would make it probable that he committed the offence In many cases I think that that would be the result if this Bill became law. The clever and the unscrupulous rascal will have no difficulty whatever in framing facts. He will see the weak points in his case, and what is necessary to manufacture, and he will have no difficulty whatever in

framing fictitious facts just to suit the difficulty. He will not go beyond what is necessary to make his defence complete, and he will be able to do it very skilfully if he is a practised criminal; but the innocent man, the unlettered man, the ignorant man, perhaps the timid man, in a new and very trying position, will be confused in his evidence, and will be unable to do justice in his own cause, and will often be condemned simply because his evidence is not given in a direct manner, or is told in a broken or hesitating way. I am satisfied that while to the clever criminal, who is able to make out a good story, it may in some cases enable him to escape, to the innocent man this Act will be a fatal gift. There is some difference of opinion on this subject, I know, amongst Judges as well as amongst members of the Bar; but I feel satisfied, from what I know of both the Bench and the Bar, that those who have had the largest experience in the administration of criminal matters, are opposed to such an enactment. Years ago, I may say I felt rather taken with the plausible theory that has been propounded so often, concerning this measure; but longer experience made me change my view, and after I saw the working of the examination of prisoners in France, I felt that any change in this direction would be abhorrent to my feelings, and would be contrary to the very essence of British law, the spirit of which presumes every man to be innocent until he is found guilty. Men were fairly tortured into statements, wearied into statements that were afterwards used against them, and although my hon. friend, the senior member for Halifax, thinks it will be safe to leave it in the hands of the judge, he must recollect that the prosecuting counsel has something to say in the matter, and the interference of the judge is not always permitted or thought of, and it is absurd to say that it is under the control of the judge when the examining counsel may, according to his feelings, think fit to push it to extremes It is not, as in the old days when the Attorney General or the Solicitor General, or one or two leading men were intrusted with the criminal administration as far as the conducting of the Crown business is concerned. Now, numbers are required, and it is considered in the various Provinces necessary to distribute the business of conducting the Crown prosecutions amongst men all over the country, so that it will be by hundreds that men will be engaged in conducting Crown prosecutions. I am bound to say, so far as Ontario is concerned, that the Crown business has been well and fairly conducted, but I *have* seen cases in which I thought the Crown prosecutor was animated by a very strong feeling—in favor of justice it may be—but by a very ruthless feeling, and a determination to secure if possible a conviction, which, had the Attorney General of the Province, or the Solicitor General, or the Minister of Justice, or anyone who pre-eminently felt the responsibility of his position, been conducting the case, I believe would not have been pressed so strongly and so vehemently, and I repeat, so ruthlessly as they were pressed by the Crown prosecutor who was authorised to act and did act. To show what the general feeling in Ontario is, I will read a short article from a leading law publication, the Canada Law Journal, until very recently the only law journal in the Province. In volume 21, page 7, the leading article is as follows:—

"The subject of prisoners giving evidence on their own behalf has again come to the front. It has been a favorite subject for theorists to discuss. But the discussion has not brought out any necessity for the change. There are, of course, plausible arguments in its favor, but most cogent and practical ones against it. At all events, it is eminently one of those matters which should not be decided without much more serious and lengthened attention than it has yet received in this country. It might be different if there were any evident or persistent demand for the change, but there is no such demand."

That is testimony which I think might fairly be laid before the Senate, that there is no such demand. This article was written for the leading organ of the profession of the country, and it says there is no such demand. The article continues:

"If a prisoner were to refuse to testify, it would be accepted as an evidence of guilt, although there might often be circumstances which would induce an innocent man to refrain from explanations."

Now, upon that point I see that there is a clause here which provides that in case an accused person tried before a jury, does not tender himself as a witness, that no observations on that fact shall be allowed.

It is all very well to enact that no observations shall be allowed, and no presumptions shall arise from it, but it is impossible to shut out of the minds of the jury, if they are aware, and they will be aware, as the law will be known to every one, that a man can tender himself as a witness, and if he does not do so it will be erroneous to suppose that the jury would not be influenced by that consideration. The article I have been quoting continues:

> The timid, nervous, but innocent prisoner often would equally ensure his condemnation by refraining to give evidence, or by giving it in such a way, as, by his hesitation or nervous self-contradiction, to induce a belief in his guilt, whilst the hardened and guilty scoundrel, who could cleverly invent and boldly stick to a lie, would often escape. "Guilty," or "not guilty" would become a question of temperament or experience in crime. But more than all, the crime of perjury would flourish as it has never flourished before. It has largely increased since litigants have given evidence on their own behalf. How much more when a man's liberty, or even his life would depend upon it. Let us hasten slowly in this matter, even if it is desirable to go in that direction at all.

I may say that I heartily concur in every word that is written in that article, and it has left me free from the necessity of saying very much more, because it is stated there better than I could have expressed it. Now, the first clause in this Act is dangerous in the broad sense, and it is dangerous from the very first. It provides that:

> Every person charged with an offence, and the wife or husband, as the case may be, of the person so charged, shall be a competent witness on every hearing at every stage of such charge.

That, is from the very first—from the time the charge is initiated before the magistrate until it goes to trial, shall be competent to give evidence. Now will any hon. gentleman in this House say that the magistrates of the country are competent to deal with such a subject as this? Would they not, if they feel favorably disposed—because magistrates are human beings and have their feelings—if they feel favorably towards the prisoner, be only too happy to find in his evidence something that will warrant them in dismissing the charge? If they feel unfriendly to him, would they not push him with questions, and perhaps in all probability the prisoner may be unassisted by counsel, and no one is there to point out to him the danger of making statements which may afterwards be used to his disadvantage. Will they not push him to give evidence, and put questions to him in their own particular way, the answers to which may not be properly recorded in the very words which the prisoner used and which may be taken advantage of against him at the trial? I think it would be specially dangerous to commit such power into the hands of the magistrates at all. While on a recent occasion I endeavored to point out that magistrates should have every reasonable protection, I am very far indeed from desiring to enlarge their powers—particularly their powers with respect to dealing with serious offences. This Bill would do so, and do it in a way that would very likely interfere with the proper administration of justice. I can only repeat that I have had to do for the last 42 years with the administration of the criminal law—every variety of charge from capital felony down to simple misdemeanor, and I assert positively that in no single instance did a case occur in which I regretted that the prisoner was not allowed to give evidence in his own behalf. I must say that I am unwilling to change the rule which has prevailed for ages and which is really the glory of the British law; to torture a criminal into convicting himself would be abhorrent to my nature. You might under this change of law be able to secure the conviction of some guilty rascals whose abilities were not equal to their guilt, but you would also probably ensure the conviction of innocent persons who would be unable to bear the torture of cross-examination by ruthless Crown officers. I do hope that the Minister of Justice will not be prepared to support this Bill, but on the contrary that he will use all the powers in his possession to reject it. If I was quite certain as to what is the proper course to take to move the six months hoist, I would do so, but I will leave it to the Minister of Justice who is the responsible officer in these matters to say what is the proper course to take to determine this question at once and avoid needless loss of time. I do not feel at all impressed with what my hon. friend the senior member from Halifax said respecting members of the Commons in large numbers supporting the Bill.

Many of these are young men like himself —earnest able and clever, and I would be very sorry to be a criminal in their hands under cross-examination ; but I find as a rule amongst young men and men who have not had a very large experience that they are more strongly in favor of this change than men of large experience and more advanced in life. I was exceedingly glad to find that my hon. friend from Lunenburg, who has had a large experience at the Bar in the administration of criminal matters, is opposed to this matter.

Hon. Mr. POWER—How about Sir John Macdonald? He is not a young man.

Hon. Mr. GOWAN—Sir John Macdonald is not infallible. I would be very sorry to suppose that he is different from other human beings, and even if Sir John Macdonald and all his followers were unamiously in favor of this Bill I would still retain my opinion, that it is an extremely dangerous measure, and I consider my opinion is quite equal to that of Sir John Macdonald or any other member of the other House on that point, and I do not hesitate to say that I differ entirely from him. It is one of the few points however on which I have disagreed with him, and I am sorry that we disagree in this particular. My hon. friend from Lunenburg has had considerable experience at the Bar as a criminal lawyer, and he entirely agrees with the views that I have very feebly endeavored to express. Sir John Macdonald has not practised for many years, and I do not think that he was ever for any length of time engaged in the administration of criminal law. No doubt he was a very successful man at the Bar, but it was many years ago, and he has not had the experience that I possess, and the hon. member from Lunenburg possesses in criminal justice, and therefore I do not think his opinion on that point as valuable as that of my hon. friend or my own. I hope the Minister of Justice will do all he can to prevent this Bill from passing into law.

Hon. Mr. SCOTT—I am one of those who yield very largely to the opinion of others, and I know there are many men who stand very high in the profession, and many distinguished judges, who believe that it is in the interest of the administration of justice that an accused party should be examined or permitted to make his statement. In such a matter as this, perhaps I would not prefer following my own independent opinion. I would be very glad to support the Bill if I thought men always told the truth, and if the solemnity of the oath added to the value of the evidence ; but I have come to the conclusion, not a very gratifying one, that men put in embarrissing positions, charged with crime, are not disposed to tell the truth if perjury is going to relieve them from the position in which they are placed. Of course any one who has had much experience in the courts has seen a good deal of perjury cases. Within the last two weeks I was obliged to drop three criminal cases rather than have perjury perpetrated. I know very well that perjury would be perpetrated to escape conviction, and with the approval of the court I suggested that the charges should be withdrawn, and that the jury should be allowed to bring in verdicts of not guilty. They were cross actions for perjury, simple cases, and I was satisfied that to continue the prosecution would lead to further perjury. Both parties were allowed to go into the box, and they were swearing to what was diametrically opposite. Paradoxical as it may seem, after a thorough investigation of the matter, I came to the conclusion that the parties who had the stronger case were really the parties who were committing the perjury, and that the party who had the weaker case was the honest man.

Hon. Mr. POWER—My hon. friend may possibly have been mistaken.

Hon. Mr. SCOTT—Possibly that may have been the case ; but I am merely stating what my conclusions were, and it was on the assumption that my conclusions were sound that I suggested to the court that all parties should be aquitted rather then follow up the prosecution. That is one reason why I object to the person accused being sworn. It would not embarrass the judge or the counsel, but it would embarrass the jury, and I do not see that the accused would be placed in any better position. I do not myself un-

derstand the embarrassment of which my hon. friend gave an illustration, because it is notorious that the accused has an opportunity of making his own statement. He either makes it himself or through his counsel, just as he pleases. If it is his interest to do so he gives his own statement, and is it to be assumed that where a party is charged with a very serious offence that he would give a statement under oath different from a statement that he would give if the oath were not administered? My firm conviction is, that the statement would be the same, and it would just lead to this embarrassment: the jury probably would be disposed to believe a man who swore to what was false when they would not believe him if he simply stated what was false. At present the prisoner is at liberty to make a statement either through his counsel or personally. Furthermore, after he is convicted he is asked by the judge if there is any reason why the sentence of the court should not be pronounced. Of course any statement he may then make is valueless; but in the first instance, before any evidence is given at all, he has a right to make his own statements either through his counsel or through himself. For these reasons, and many others which are sufficiently strong to satisfy me, I believe for the present at all events I should not support this Bill.

HON. SIR ALEX. CAMPBELL—I am in the same position as the hon. gentleman who has just spoken—I find it impossible to support this Bill. It seems to me it is a direct encouragement to perjury. We have all been present at criminal trials, or most of us have been, and how many of us have heard the statements of prisoners which we believed? The prisoner would be likely to make any statement which would tend to excuse him of the crime with which he was charged. I think for the most part the prisoner will swear to anything which is likely to get him off from the conviction hanging over him, and I do not think we can possibly do anything which would tend more to increase perjury than to pass a measure of this kind, which is really tempting a man to make a statement on oath to excuse himself for the crime with which he is charged. You are tempting him to do wrong. You are saying to him, "perhaps the evidence is not complete or sufficiently strong to convict you, and here is an opportunity for you to escape punishment; swear that you are not guilty; explain away the circumstances." You are tempting him to do that, and I think without any prospects of obtaining anything in the interests of justice. Why should a man be tempted to commit the additional crime of perjury when the jury and judge are there for the simple purpose of saying whether he is guilty or not guilty—why tempt a man by his own testimony to sway the result? Why offer him an inducement to commit perjury? I desire to read to the House the opinion of an old jurist who has given great attention to this subject, who writes on criminal procedure—Mr. Bishop, of the Law College of Harvard.

HON. MR. GOWAN—The great authority in the United States.

HON. SIR ALEX. CAMPBELL—I think the greatest authority in the United States. He says referring to this very question:—

> This legislation is exactly adapted to the wants of old and practiced dissemblers, to whose faces the thought of their crimes brings no blushes, and the capacity of whose stomachs for perjury has no bounds. Such a man when tried for crime, sits in Court and watches the testimony on both sides to the end. Then he takes the stand, and, with an invented story which will harmonize all with some theory of innocence, he beguiles a credulous jury and outside public with what is perhaps in its nature impossible to be true, till he secures, at least, a disagreement. And if, to his other qualities, nature has added the born gift of an actor, and practice has made him master of the art of addressing public assemblies, it matters not how strong the evidence against him, his triumph over his "enemies" and the "conspirators" is assured. An innocent man, untaught in any craft, of simple and honest nature, used to expressing himself only in private, presents, when entangled by circumstances leading to suspicion, and placed for trial before a court of jury, with listening crowds around, a very different spectacle. When put upon the witness stand his mind is overwhelmed. He says what he would not, and what he would say he omits. If a witness has made an honest mistake, and he utters the exact truth, he is condemned. If one, however unworthy of belief, has sworn falsely against him, he is condemned. If he stumbles in his evidence, as pretty surely he will somewhere, he is condemned. Had he, knowing

the perils, declined to testify, he would be equally condemned as a penalty for refusing to condemn himself. If unfortunately he is guilty, yet not an old an practised dissembler, he is condemned, while his more guilty brother goes free. Between the Scylla and Charybdis, which the law presents to all except the most hardened, for whose escape through perjury it specially provides, how shall the practitioner choose? That must depend on the facts of the particular case, the qualities of the prisoner, the temper of the judge, and the bias of the jurors, not upon general rule. The fate of this sort of legislation remains to be seen. It cannot vie with the rack as a barbarous means of extorting self-condemnation, nor can its invitations and temptations to perjury produce the convictions of so many innocent men as might an organization of drilled perjurors to wait as witnesses upon grand and petit juries. But as a means to the acquittal, through perjury, of those guilty persons who, for the public good, most need punishment, it has no rival.

Now, that is the language of an eminent, if not the most eminent authority in the United States on this very subject. Why should we go on, in the face of learned opinions of that kind, with a Bill which, after all, without speaking of it disrespectfully, is a mere fad of some legal minds? It is not asked for. You hear the testimony of the hon. member from Barrie, who has been trying prisoners for forty years; he tells you that he has never found a case where he has regretted the want of power to examine the defendant. You have no representations from professional men or judges saying that they have found difficulty in getting the truth for want of this Bill. It is a mere theory of some ingenious minds who want to change the law—who see that there has been some such suggestion made in England and want to have it introduced here without being able to show substantial grounds for it, without being able to show that this power of examining accused persons has resulted in people being convicted who ought not to have been convicted, or people being acquitted who should have been convicted. Without any evidence of that kind, without any cause for the change, without any demand for it on the part of the judges, and with the testimony which we have before us against this measure, why should the law be changed? It can be changed next year, or five years hence, or ten years hence if any reason can be shown for it; but no reason has been shown for changing it now, and risking the great evil of giving temptation of the strongest kind to accused persons to commit perjury.

Hon. Mr. POWER—From the present aspect of this House I do not think it likely that this Bill will be read the second time. I regret to be obliged to confess after looking over the House with as dispassionate an eye as I could that that is the conclusion to which I have come. At the same time as no other member wishes to say anything on behalf of the Bill I think it is only right that I should say a few words in reply to some remarks which have been made. The hon. gentleman from Lunenburg said there was no clamour from outside for this Bill, and I understood the Minister of Justice to urge that as a reason for rejecting it. I do not think the hon. gentleman will be able to point to any reform of the criminal law which has been preceded by a clamour from outside; because these reforms have been seen to be necessary by members of the profession who generally have not made a clamour. They have gone to work in a quiet way and the thing has been done. Then the hon. gentleman from Lunenburg gave as a very strong argument against this Bill that the gentleman who now leads the Opposition in the House of Commons, when Minister of Justice, did not endorse the Bill. That is perfectly true; but it is a much stronger argument that the hon. gentleman does now endorse the Bill. The principal reason the Minister of Justice in 1877 gave why the Bill should not be passed was that public opinion was not ripe for it—that it had not been discussed or considered, and it had not been shown that the public mind in England had been made up on it in any way; but now the case is different. Then the hon. member from Amherst said there was no analogy between civil and criminal cases. There is I think a very great analogy. It is simply a matter of there being more or less interest. If in a civil case a man is interested to the extent of $5,000 there is a very strong inducement for him to swear in such a way as will benefit himself; and the inducement is just as strong as if he was swearing himself out of the risk of a year's imprisonment. It is a mere matter of degree. Then the hon.

member from Barrie referred to his great experience as a judge. No doubt he has had a great deal of experience as a judge—somewhat longer experience than the hon. member from Lunenburg has had as a counsel in those criminal matters; and if we had no other evidence from judges and counsel than the evidence of those two gentlemen it would be very conclusive no doubt; but what are the facts? The facts are as stated at the beginning, that we have Lord Selborne, the present Lord Chancellor of England advocating this Bill and advocating it very strongly. We have Lord Cairns, a most distinguished and eminent lawyer and a gentleman who was Chancellor of England before Lord Selborne—we have him agreeing most cordially with Lord Selborne; we have Lord Bramwell, a Conservative lawyer of great experience, introducing the Bill of which this is a transcript. When we look at those facts alone it is enough to shake our belief in the infallibility of the hon. member from Lunenburg and even of the hon. gentleman from Barrie; and then when we look at the fact that the present Premier of Canada and the Leader of the Opposition, and the Minister of Public Works, the hon. member from Simcoe (who is a very distinguished and able lawyer having large experience), and the hon. member from Bothwell—when all those support the Bill, it goes to shake our faith in the infallibility of the gentlemen who have spoken against this Bill here to-day. My hon. friend from Barrie produced here the Canadian Law Journal, and read an article from that as an almost conclusive reason why we should not pass this Bill. There are a number of periodicals in England which I did not quote from, but which endorse the Bill introduced in England.

HON. MR. GOWAN—I quoted it as evidence of the opinion of the profession.

HON. MR. POWER—I take those English periodicals as evidence of the opinion of the profession. I do not think my hon. friend would be willing to accept the dicta of the Law Journal as indicating the mature opinion of the profession. It has been said by the hon. gentleman from Ottawa that an accused person now makes a statement. Well, I think the general practice is, in an examination before a magistrate, that he does make a statement in person, but before a jury the statement is made on his behalf by counsel.

HON. MR. KAULBACH—He can do it there too.

HON. MR. POWER—I know he can, but the practice is to make the statement by counsel. It simply comes to this: shall the accused person make the statement without the solemnity of an oath, and make it without any cross-examination, or shall he make it under the sancity of an oath, and in such a way that he is subject to cross-examination by the counsel on the other side? I think the latter is the better way to elicit the truth. As I have said already, notwithstanding that justice and argument are rather in favor of the Bill, I am afraid the votes would be against it, and I shall not ask the House to divide, but allow the Bill to be defeated on a division.

The motion was rejected on a division.

The Senate adjourned at six o'clock.

THE SENATE.

Ottawa, Thursday, April 16, 1885.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

TEMPERANCE LEGISLATION.

A PETITION PRESENTED.

HON. MR. ALMON—I ask, as a matter of privilege, whether I may present a petition which has been forwarded to me. I received it some time ago. It is from the wholesale wine and liquor dealers of Halifax; and they forwarded it to me with a request that I would present it in the Senate. However, on looking at the petition, I found that it was directed to the House of Commons in Parliament assembled. I thought it was a mistake,

and that a similar one for the Senate had been sent to members from Halifax in the other House. On inquiry, however, I found that they had not received it, and I wrote to know whether it was an error, or whether the other one had gone astray. In reply, I am informed that it was a clerical error, and that it was the desire of the petitioners that I should present it to the House. It is very numerously signed, and as my hon. friend the senior member from Halifax will say, is signed by men of great influence. It differs from a number of other petitions which have been sent to this House in this respect—that the handwriting does not correspond as much as the others did, and the same ink and pen have not been used in making the signatures, but I do not think that will be considered an objection. I leave it to the House to say whether I should, under the circumstances, present this petition.

THE SPEAKER—I do not know that it would be regular to present a petition to this House which is addressed to the House of Commons. I think it would be an irregularity.

HON. MR. POWER—I think if my hon. friend were to submit the letter along with it—or I think my hon. friend's statement is enough—showing that it was a clerical error, there could be no objection to the presentation of the petition.

HON. SIR ALEX. CAMPBELL—I certainly think it should not be presented to this House if it is addressed to the House of Commons, but I think my hon. friend would be justified in altering the address and presenting it.

HON. MR. ALMON—I have much pleasure in presenting this petition. It has a long preamble, but the prayer is that remuneration be given to those who have suffered in their business through the adoption of the Temperance Act.

BANQUE DU PEUPLE.

THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (53) "An Act respecting La Banque du Peuple."

HON. MR. PAQUET moved the third reading of the Bill.

HON. MR. BELLEROSE—I should prefer to have the third reading of this Bill postponed to another day. However, I am ready to move an amendment to-day if the House will allow me to do so without giving notice. I suppose there is no objection to that. I regret that I cannot concur with the report of the committee. The Banque du Peuple is what may be termed a close corporation. I believe the number of shareholders who are members of the corporation do not amount to more than fifteen or eighteen. They were incorporated in 1843, and the 2nd clause of the charter is as follows:—

"And be it enacted, that the said above named persons, incorporated as aforesaid, and their successors, shall have the sole management of the affairs of the said Bank, so to be carried on by the said corporation, and shall individually be jointly and severally liable for all the obligations and debts contracted by the said corporation; and no partners in commendam (commanditaires) in the said corporation shall in any case, or under any circumstances, either as regards the said corporation, or as regards any member there of, or any other parties or parties, be liable to pay any sum beyond the amount of the stock for which he shall subscribe."

So this shows that there are only fourteen or fifteen gentlemen, who are named in the preamble, as members of the corporation. Then the Act goes on to say that the corporation may receive other shareholders as silent partners, but they shall have nothing to do, either by vote or otherwise, in the way of exercising any authority whatsoever; that the members of the corporation shall have the sole administration of the affairs of the bank. That is the Act, and no doubt every silent shareholder who entered the company did so with a full knowledge of what he was doing and believing that he would have to submit to this regulation. Therefore, to that I believe there can be no objection; but to-day, after having for over forty years administered the affairs of the bank, the members of that corporation, who elect members to replace those who die or resign, have brought the bank into such a condition that they are unable at the present time to pay dividends. They called a general meeting of the stockholders, both members of the corporation and

silent shareholders, and there were represented at that meeting, either by shareholders in person or by proxy, 11,000 shares. The number of shares in the company is 32,000; so that there were present about one-third of the number, who were unanimous in asking for an amendment to the Act to reduce the capital of the bank. It is to this amendment that I object, because it is changing the position of those who became shareholders in that company, to such a degree that it becomes an injustice. Even if I did not know that the active members of the corporation had been lending money one to the other to very large amounts, I could state this, that it must be supposed (because it is not otherwise shown, either in the preamble or elsewhere) that it is by bad management solely that the bank has been brought to its present condition. If that administration, over which the great majority of the shareholders have no control, has ruined the bank to the extent of 25 per cent. is it reasonable to reduce the capital without giving to every one of the shareholders, even the silent shareholders, a vote, so that in future they may change the administration if it is not good, and secure proper management of the bank? Now, if this Bill should become law, would it not be encouraging the present corporation to continue its course, and fifteen or twenty years hence to come back to this House and ask that the silent shareholders should lose the balance of their money? But there is more than that. We have an example of what can be done by good management. Only four years ago the Hochelaga Bank, of Montreal, got into difficulties, not through bad administration, but because the cashier had robbed the bank of nearly $100,000; and that small bank was thereby almost ruined, but its directors did not come to Parliament to ask for a reduction of its capital. The shareholders changed the administration, and under good management, in three years the $100,000 was recouped. In the same way, the Hochelaga Bank, by their statement, show that they have recovered from a loss of $200,000 and are now in such a good position that they will be able to pay dividends. Surely, if the Hochelaga Bank has in three years succeeded in recouping the $100,000 stolen from it the Banque du Peuple ought to be able in six years to recover from the effects of its loss of $200,000.

By refusing what is here asked it will compel the administration of the bank to change their course and adopt a better system. Experience has shown that this system is a very bad one. The whole of the money, over $1,000,000, is in the hands of fourteen or fifteen men. True, they are responsible for it, but they cannot be responsible for bad administration; the shareholders must lose if the bank sustains loss. To put into the hands of thirteen or fourteen men the entire control of this million of dollars, most of it belonging to others, is a dangerous principle. While the bank is asking Parliament to-day for this amendment to their charter, why should we not refuse it, and let them come back with another Bill for the same object and including in it a provision giving a vote to every shareholder? It was said in the committee that if that change were to take place every shareholder would come under a double liability. But the danger of that is only on paper. Where has there been danger to the shareholders of the hundred banks we have in this country on that account? If there is no danger to the shareholders why not bring this bank under the same conditions as others? No doubt it can be shown that in some cases shareholders in banks have been sued under the double-liability clause, but is it the rule to make exceptional legislation, or to legislate on a general principle? If we are to make special legislation for every institution we will be sitting here every month of the year. As a matter of fact, it is well known that shareholders are seldom sued on the double liability; and in this case, no doubt, they would rather be responsible for double their liability than not have a voice in the administration of the affairs of the bank, by which they would have an opportunity of electing a better board of management, as the Bank of Hochelaga has done. I do not want to oppose the Bill, though I believe it is wrong in principle; though I believe it is unjust, and that the bank ought to go on and try to work up their business, and see whether by economizing they could not recoup themselves for the money they have lost. I am quite willing, in the name of the share-

holders, and in my own name, to accept this Bill, but why should Parliament on this occasion depart from the rule which the Committee on Banking has followed since Confederation, and which has been considered *un fait accompli?* What has been the principle of our legislation as to banks for the past sixteen years? Is it not that when a bank comes before Par liament, and asks for a reduction of its capital, to only accede to the request when it is done on a two-thirds vote of the shareholders? In this case it has been proved before the Committee that this Bill has not been asked for by more than one-third of the shareholders—not even a simple majority. Why take this occasion to depart from the principle we have laid down as our guide in banking legislation? Is it not at once apparent that there is something wrong in this Bill? I am not willing as a shareholder of the company, a large one, to lose my shares, but I am a silent shareholder. If hon. gentlemen will give me a chance to force those men to do what is right, and to see whether the stockholders representing the 32,000 shares of the bank are ready to accept this legislation, I will move that this Bill be referred back to the Committee with instructions to add the following clauses :—

(5). "This Act shall not come into force before it has been submitted to a special general meeting of all the shareholders of the said bank, both of those shareholders who are members of the corporation as well as those who are only partners *en commanditaires*, and that such shareholders representing in person or by proxy at least two-thirds in value of the whole present stock of the said bank, at the said meeting, have approved thereof."

And the following as clause 6.

(6). "The meeting mentioned in the 5th clause will be called by a notice given during two weeks in the *Canada Gazette*, and in two newspapers in the English language, and in two newspapers in the French language (in the City of Montreal) during the two weeks above mentioned. A circular will also be addressed by mail to each such shareholder at least fifteen days before such meeting, giving them notice of the day, hour and place of the meeting, and of the object of the meeting."

I am only asking what every hon. member in this House has for the last sixteen years considered as safe and proper legislation —that a two-thirds vote of the shareholders shall be required before a reduction of the capital stock shall be asked for.

THE SPEAKER—When I said just now that no notice was required I was under the impression that the hon. gentleman from Delanaudiere simply intended to move that the Bill be referred back to Committee on some future day, so that in that case no notice was required.

HON. MR. BELLEROSE—If the House is willing I am ready to move at once so as to prevent delay.

HON. MR. PLUMB—As I was on the Committee when this matter came up, and as it was partly through my objection that the Bill was laid over from the last Committee until this sitting, perhaps the House will bear with me for a moment while I make an explanation as to why this Bill is reported to the House. The Banque du Peuple which has applied for a reduction of its capital stock, has asked for a reduction of 25 per. cent. on its shares. By the preamble it sets forth that 11,000 shares, represented at a general meeting of the shareholders called for that special purpose, agreed to apply to Parliament for such a reduction. There are 32,000 shares of the capital stock, and on seeing that there was so small a proportion of shareholders represented, my attention was drawn to the fact, and the Bill was laid over for the purpose of getting some explanation. The explanation is this : the Banque du Peuple exists under a charter entirely different from that of any bank that I know of in the Dominion. Its charter is this : a certain number of persons —some fifteen or sixteen persons—were chartered as a corporation; they had power of succession ; they had banking powers, but they were made absolutely liable in all respects for every debt or liability of the bank, no matter how large it may be. There is no limited liability and those men are unrestricted in their management of the affairs of the corporation. With them are associated those persons who chose to come in *en commanditaire*, or as sleeping partners. The latter participate in the profits, but they have no share in the liabilities of the bank, and are not permitted to take any part in the management of the institution, on the

same principle as an ordinary commercial partnership, where the silent partner takes no share in the management and does not become personally liable under the law of partnerships. Those silent shareholders may lose their share capital, but they cannot interfere with the management of the bank. They are there; they have accepted the position—I do not know whether it is a pleasant one or not—but there is the law as it was when they became shareholders, and they have not a word to say with respect to the management of the institution. I have no doubt that they could apply to Parliament to have this charter changed. Of course it could not be changed without the consent of those who hold the purse strings. This bank is represented by those who apply for this amendment here, to have lost a portion of the capital of the institution. As long as the capital stands as it is now, they cannot pay any dividends. They wish to be put on a dividend paying basis, and they wish to have the shares reduced so that the losses can be written off, and their shares will still stand in a position where, without violating the law, they can go on paying dividends. That is their request. If it were a bank incorporated under the ordinary form of charter, with the ordinary shareholders' liability, we should, of course, under the rule that has always obtained in such cases, require the consent of a larger portion of the shareholders than appear to have consented here. But the truth is, that the consent of the shareholders was not necessary at all. They simply procured this consent at the suggestion of some member of the other House when the Bill was before that branch of the Legislature, and they got the consent of all the shareholders who were present at the meeting.

The others who had had notice did not respond, and whether they got notice or not it does not make any difference. My own impression is that any shareholder of the bank who would interfere in its management, or even interfere with a Bill of this kind, would under the law make himself liable and place himself in the position of a generally liable person, because the law states that no one who stands in the position of a shareholder shall have anything to do with the management of the bank. There they are; it may be an objectionable state of things, but it cannot be urged against this Bill that the shareholders have any right to plead the position in which they stand in order to prevent the passage of this Act. The contention of my hon. friend is of course one which, at first sight, ought to engage the attention of this House; but if the matter is examined it will be seen that he stands in no different position, except that he participates in the profits of the bank, than he would occupy if he were a depositor. He can lose his stock, but he can lose no more. If the shares are reduced by issuing a certificate for three shares instead of four, the assets of the bank are not reduced. He has as much money there as he had before. He is not made any poorer. If one-half the capital stock is lost, and they reduce the capital one-half, it is merely a matter of account. If this bank, like the Hochelaga Bank, makes up its shares hereafter the management will not get any more benefit than the shareholders themselves, and the Hochelaga Bank did not choose to come and get their capital reduced. They thought it better to conceal from the public the fact that they had lost a large amount of money, and they went to work to make up their capital. But this is an entirely different case. The responsible management of the bank have asked for the reduction of the capital. It has been shown before the committee that this application has been made under the authority which these gentlemen possess. If my hon. friend wishes to change his position with the bank he cannot do it by this Bill. He is engaged in this concern; he knows its charter. It has been in operation over forty years, he says. It may have made money or lost money, but he is there, and he is just in the same position that every man occupies who is a shareholder; and he cannot change that position without changing the original charter of the Bank. That has nothing to do with this Bill. It is a perfectly reasonable Bill and the fact is the consent of the shareholders was not required at all. It is a mere piece of administration on the part of those who are absolutely entrusted with the funds of this bank, and have the absolute and entire control of it under the charter.

HON. MR. BELLEROSE—I ask the hon. gentleman whether he believes that honestly he can put the sleeping partners in a worse position than the depositors? Are the sleeping partners to be told that they have nothing to say why that money should not be lost, when, as a matter of equity, the depositors are allowed to take their money from the Bank before anything is done?

HON. MR. PLUMB—The corporators are mentioned. These corporators stand, as I have said, as a body politic who are entrusted with the funds of this bank absolutely. They are allowed to manage the business of the bank, and have become a corporation. By the second section it is enacted that—

> The above named persons incorporated as aforesaid, and their successors, shall have the sole management of the affairs of the said bank, so to be carried on by the said corporation, and shall individually be jointly and severally liable for all the obligations and debts contracted by the said corporation, and no partners *in commendam* (*commanditaires*) in the said corporation, shall in any case, or under any circumstances, either as regards the said corporation, or as regards any member thereof or any other party or parties, be liable to pay any sum beyond the amount of the stock for which he shall subscribe; and if the sum which any partner *in commendam* (*commanditaire*) has agreed to furnish as stock, be paid and lost in the business of the said bank, he shall be exonerated from any other payment, and if any part be unpaid, he shall be liable for that amount and no more, as well to said corporation as to the creditors thereof, and no partner *in commendam* (*commanditaires*) shall be liable to be called upon by the said corporation or its creditors, to refund any dividend he may have received of any net profits fairly made during the solvency of the said corporation; Provided also, that any person ceasing to be a member of the said corporation shall not be liable for any debt contracted by the said corporation after he shall have so ceased to be a member of the same, if the public notice hereinafter required in that behalf be given; provided further, that no person who shall have ceased to be a member of the said corporation shall be individually liable, nor shall the heirs, executors, administrators or assigns of any person who shall have ceased to be a member of the said corporation, be individually liable for the debts contracted by the said corporation during the time that any such person shall have been a member of said corporation, unless the action or suit to be brought for the purpose of having such individual liability judicially declared be instituted within twelve months from the time at which such person shall, from any cause whatever, have ceased to be a member of the said corporation.

Now, the hon. gentleman who moved this resolution is not a member of this corporation; he is simply one of the partners who is allowed to come in under this Act which provides that the bank shall be allowed to receive partners. The corporation is the number of persons originally chartered, and those persons ask, in their perfect right, as the corporators themselves—not two-thirds of them, but the whole of them—to have the capital reduced. My hon. friend stands in a different position towards the bank. It may not be equitable or just, but there it is, and it is the law. His remedy is, if he can to get the partners *in commendam* to join him, and endeavor some way or other to get out of the position in which they are, but I do not think they can change the position they are in by an amendment to this Bill.

HON. MR. BELLEROSE—The hon. gentleman has not answered my question. I asked him whether he believes that this Parliament has a right to make my position worse, as a silent partner, than that of an ordinary depositor in the bank. I have some $15,000 invested, and am I to be told by this Parliament that I am in a worse position than an ordinary depositor?

HON. MR. PLUMB—Of course the hon. gentleman would be in a worse position in one way, because he is liable to lose all his stock. He has nothing to do with the management of the bank; but he is in a better position in another way, because he receives a share of the profits, if there are any.

HON. MR. TRUDEL—I do not think we can be indifferent to this measure. It is perfectly fair that the Banque du Peuple should have the benefit of this legislation, but in the meantime I do not see why part of the shareholders of the bank, who own the majority of the stock, should not have an opportunity to pronounce an opinion upon or give their assent to this Bill, and I do not see why the amendment of my hon. friend should be opposed. At first I thought he was opposing the principle of the bill altogether, and I

thought it was going too far, but now the hon. gentleman limits his action to a simple amendment by which he says that this Bill to reduce the capital should not come in force until it receives the sanction of a majority of the shareholders present at a general meeting. I have listened with much attention to the remarks of the hon. gentleman from Niagara, and I think his argument is inconsistent with his action. My hon. friend shows that those silent shareholders have no control or management whatever, and that they are not members of the corporation. It is true that the bank has a special charter; but are these shareholders members of the bank or are they not? Certainly they represent the larger part of the capital of the bank. If it is true that they have nothing to do with the management it is not because they have no interest in the matter, but because, according to a special Act, they are deprived of their natural share in the management of the bank. It is a common right which exists for all shareholders of banks which is denied to the shareholders of this particular bank. By what principle should that majority of the shareholders be deprived of the advantage of voting on the proposed reduction of the capital? It seems to me that it is a question of justice. My hon. friend says it may be unfair and unjust and contrary to equity, but the law is there; that is, the hon. gentleman wants to keep these shareholders in the inferior position in which the law puts them. Very well, but why change the law at all? What is the practical effect of granting this legislation? As a matter of fact, it is to diminish the responsibility of the active shareholders or administrators and to give them an opportunity of making the position of the ordinary shareholders worse than it is now. As hon. members have learned from the clause of the charter which has been quoted, they are now responsible in the same way that an endorser on a promissory note is—that for the actual debts of the bank they may be held responsible.

HON. MR. PLUMB—Who?

HON. MR. TRUDEL—The members of the corporation—the administrators.

HON. MR. PLUMB—But not the shareholders.

HON. MR. TRUDEL—The creditors of the bank have two ways open to secure payments. They can proceed against the administrators or against the capital of the bank. What does this Bill propose? That the capital shall be reduced to pay the debts. There has been either an error of administration or losses have been occasioned by the unfortunate condition of trade. Upon whom are those losses to fall? Upon the shareholders, and especially upon the silent shareholders, since they are the majority. Is it not as clear as daylight that the administrators are improving their own position, and at the same time injuring the position of the ordinary shareholders? The hon. gentleman says, "but they are responsible to an unlimited extent." That is very true, but the hon. gentleman ought to know that this responsibility has a natural limitation—the extent of their own means. I know perfectly well, and I am ready to recognize here, that there is not, perhaps, another institution in the country which has at its head a body of administrators of such high standing both as to character and wealth; but at the same time I cannot forget that in this country at least, and perhaps everywhere, the millionaire of to-day may be insolvent to-morrow. He may lose his wealth, and instead of being ample security to the public, may not be able to pay his own debts. Looking at this possibility, I say if the capital is reduced the chances of recovering from the bank are reduced 25 per cent; that is perfectly clear. If the present administrators succeed in reducing the capital sufficiently to cover the losses, they are to that extent benefiting themselves. I do not know much about the exact figures, but as far as I have heard, the amount of the losses is about $200,000, and it is proposed to take that amount from the capital. If, on the contrary, the course proposed by my hon. friend were followed, what would happen? Instead of enabling the administrators to pay dividends on a reduced capital, the worst that could happen would be to retain out of the bank the dividends or a part of the dividends to cover the losses and bring up the capital to what it was. The liability and responsibility of the administrators might be a little greater for some time, but the capital would be augmented and

the chances of the silent partner would be improved. Instead of having only three-fourths of their capital they would keep the whole of it. That seems to be exactly the position in which the matter stands. If it was proposed to deprive the Banque du Peuple of this Bill I should be ready to oppose the amendment, because I think they ought to have the right to reduce their capital. My hon. friend does not propose to prevent them having a change, but he says that the change should receive the assent of a majority of the shareholders. I do not see what is unfair about that.

HON. MR. ALLAN—The hon. gentleman who has just sat down has advanced a proposition which I confess rather surprised me; he says that the reduction of the capital is for the purpose of paying the debts of the bank. I did not consider it my duty as chairman of the committee to defend the provisions of the Bill, because I presumed that that would be done by the gentleman who had charge of it; but I think the House is very much indebted to the hon. member for Niagara for the very clear explanation which he has given in regard to it. His attention was called at the time he was acting as chairman of the Banking Committee to the very provision of the Bill which is complained of, namely, that only a certain proportion of the shareholders had voted for a reduction of the stock, and he also was kind enough to call my attention to it when I took the chair of the committee; but upon looking at the matter and finding how totally different the organinzation of the bank was from that of other banks, we saw that that was not necessary; and not only that, but it was stated before the committee that not one single shareholder had petitioned against the Bill—that the only one interested who, so far as was known, had offered any opposition to the Bill was the hon. gentleman who is now moving this resolution in amendment, and therefore, under these circumstances, the committee were unanimous in recommending that the Bill should be reported without amendment.

HON. MR. TRUDEL—I am afraid that I have been misunderstood by my hon. friend. Of course in a certain sense it would be incorrect to say that a part of the capital is taken to pay the debts; but it is true in another sense, and I will explain how. The reason why the management of the bank had to ask for a reduction of the capital was to give it a higher market value, and it is well known that when dividends are decided in the banks the value of the stock in the market is always taken into consideration. This Bill will give the members of the administration of the bank a larger margin to declare a dividend, which they othewise would not declare if, instead of diminishing the capital, they should decide upon retaining it as it is. It was in this sense that I said it will have the effect of altering to some extent the capital to pay it in dividends. Then I say the investments of the silent partners are diminished to that extent. Of course I am not aware of the fact whether there are petitions against the Bill or not, but I know at least two stockholders of the bank here who are opposed to the Bill. I do not know how it stood before the committee, but I know there are at least two members here who are opposed to it, and their protest should certainly be taken as having as much force as a petition coming from outside.

HON. MR. THIBEAUDEAU—Before the debate is closed, I wish to make a few remarks. I believe that this hon. House ought not to be called upon to give shareholders—those we agree to call the silent partners—the right to have a meeting to decide this question. They have had their meeting already. The directors, acting upon the advice of the House of Commons, have issued circulars and advertisements in the papers to every shareholder to attend a general meeting, and the shareholders, though they may number 32,000, at all events were represented by 11,000 shares, and those gentlemen who did not go there remained away because they had full confidence in the management of the directors. Of the 11,000 shares that were represented there, either personally or by proxy, there was not a dissentient voice. And consequently I believe this hon. House ought to be satisfied that it is the wish of the shareholders to have the capital reduced. Those who were not there could have been present if they wished, and if they did not attend it was because the

directors had their full confidence. The directors, as you are aware, hold the charter of this corporation. It is a very special charter by which the directors have the whole responsibility of the institution. They are responsible for whatever the bank may owe its creditors. Having to bear such a large responsibility it is only right that they should themselves have the direction of the corporation, and that direction they are perfectly decided to keep. I believe that it would be wronging them if this House to-day should give the shareholders the right to control them.

HON. MR. PLUMB—Of course it would.

HON. MR. THIBEAUDEAU—When the directors are responsible for millions they ought not to be controlled by the shareholders who sometimes may number a great many, but who may have an interest of only a few hundred dollars each. I know that this House will never consent to give the shareholders a right that they did not possess under the charter granted by former Parliaments. As to the reduction of the capital, I believe we are just playing upon words, because what does that reduction mean? It is simply a matter of book-keeping. The stock held now by the shareholders is worth either par or 75 per cent., and whether this House declares that it is worth 75 per cent. or more makes no difference if it is not worth that. This is simply a measure that is always accepted both by the House of Commons and this hon. House whenever it is asked for, and its object is to allow banking institutions, instead of going on for years without paying dividends to investors, to pay dividends at once; because we know there are a great many wdows and orphans who are dependent upon those dividends either for their living or their education. I believe it would be unpatriotic to refuse to the first French Canadian Bank of Lower Canada what has been granted every year almost to every other banking institution in the country. The result of this legislation will be to place the institution and its stock before the public in a much better and more favorable position. It is well known that when one of the wealthiest institutions of Montreal, the Merchants' Bank, through certain losses and shrinkage of business, found that their stock had declined to 60 or 70 per cent. on the market they applied for legislation to reduce their capital. It was granted, and the capital was reduced by 33⅓ per cent. In a few weeks the stock rose to 125. Did the shareholders lose by that? No, and the shareholders of the Banque du Peuple will lose nothing by this Bill. We are called upon here to legislate in such a way as to give more confidence not only to the shareholder but to the depositors and customers of the bank, and I do not see why we should find some of our hon. confreres opposing this legislation. It is legislation that has never been discussed before the public, either in the House o Commons or here, and I do not believe we ought in this instance to oppose the Bill. The silent partners of the institution, when they invested their money, were very glad to get rid of their double liability and throw ten or fifteen times more responsibility on the directors who were wealthy men and most of whom are still wealthy men. If the silent partners got rid of the double liability and threw it on the directors, it is only right that the directors should to-day have the management of their own business, because they are responsible for it. I do not believe there should be one dissentient voice in this House on this measure.

HON. MR. OGILVIE—The bank that is spoken of has always conducted its affairs in the most careful and business-like manner; no management could have been better. If their affairs have not gone on as well as we could have desired lately, it is no more than has occurred in the case of a great many other institutions in Canada during the last five or six years. The showing of the Banque du Peuple has been so satisfactory and what they ask is so reasonable that I cannot for the life of me see why there should be one word uttered against this Bill. They should have the measure just as they ask it without a word of opposition.

The amendment was declared lost.

HON. MR. TRUDEL—I wish to reply briefly to a remark made by my hon. friend from Montreal. He seems to be

under the impression that the administration of the bank has been criticised. The impression may have been conveyed to the House and the public by the hon. gentleman who preceded me, but nothing of the kind has been done. The question is, whether the ordinary shareholders should be deprived of the advantage which is almost always given to shareholders of other banks; that is of deciding whether this important change shall take place.

The Bill was then read the third time and passed.

ROYAL CANADIAN INSURANCE COMPANY'S BILL.

THIRD READING.

HON. MR. ALLAN, from the Select Committee on Banking and Commerce, reported Bill (43) "An Act to authorize the Royal Canadian Insurance Company to Reduce its Capital Stock, and for other purposes," without amendment.

HON. MR. RYAN moved the third reading of the Bill.

The motion was agreed to and the Bill was read the third time and passed.

BILL INTRODUCED.

Bill (92) "An Act further to amend the Canada Temperance Act of 1878, and the Liquor License Act of 1883." (Mr. Vidal).

THE INDIANS OF THE CANADIAN NORTH-WEST.

MOTION.

HON. MR. SCHULTZ moved:

That an humble address be presented to His Excellency the Governer-General, praying that he will cause to be laid before this House copies of all correspondence between the Government of the United States and that of Canada, relative to the presence of American Indians on Canadian soil; all communications from officers of the Mounted Police upon that subject, and all Orders-in-Council or Departmental Instructions relating thereto, which have not already been published in the Annual Report of the Indian Branch of the Department of the Interior; also, an estimate of the increase or decrease of the Indian population of the North-West, based upon the numbers who were paid at the various treaties made in 1871, and subsequent years, and the number now paid; such information regarding the number of Indians who have adopted agricultural pursuits not hitherto printed, and copies of complaints (if any) from the Aborigines Protection Society, the Bishops and Clergy of the various Missionary Bodies in the North-West, and from others, regarding the treatment of the Indians of the North-West; also, an approximate estimate of the cost of food supplies furnished to these Indians since Treaty No. 1, in 1871.

He said: I desire to explain to hon. gentlemen that this notice of motion was given by me before news came of Half-breed and Indian troubles in the North-West, and as no definite information has yet been obtained as to the extent of their sympathy with, or participation in, the Half-breed rising on the Saskatchewan, it would be premature and possibly ill-advised to discuss the present condition of the Indians of the North-West and their relations with the Government till the facts are fully known. I shall however endeavor to recall some of the various important changes which have occurred in the conditions surrounding the Indians since they were first treated with in the fall of 1871 and to do this will take the liberty of reading a speech which I delivered in the House of Commons in March, 1873, on a notice of motion for copies of correspondence bearing upon certain matters of discontent existing among the Indians of Treaties Nos. 1 and 2; as illustrating the condition of the Indians before settlement had pressed hardly upon them, and while yet the larger game and fur-bearing animals were to be found in comparative abundance.

As I am yet weak from recent illness, I respectfully ask the indulgence of the House in allowing my friend the Hon. Dr. McInnis to read the speech which I refer to for me.

HON. GENTLEMEN—Hear! hear!

"Dr. Schultz moved, seconded by Mr. Bowell, that an humble address be presented to His Excellency the Governor General, for copies of all correspondence from Indians and others in the Province of Manitoba with the Government, on the subject of the dissatisfaction prevailing among the Chiefs, Headmen and Indians, treated with in Manitoba and adjacent Territories in the year 1871.

"Dr. Schultz, in moving this address, said:—

"I have made this motion, Mr. Speaker, mainly to enable me to place before this honorable House, some facts in connection with the Indians of the North-West, which, I trust, will be considered of sufficient importance at least to induce honorable gentlemen to investigate for themselves a subject, which for the first time, has become a really important one in this country.

"While everyone felt pleased when the long negotiations between Canada and the Hudson Bay Company drew to a close, and proud of the Imperial proclamation of 15th July, 1870, which added 3,000,000 square miles to the area of the Dominion; few remembered however at the time that this territory had a population of 38,000 Indians, whose rights by the conditions of the transfer we were bound to recognize, and to whose care and protection we were firmly pledged.

"These Indians were, as yet, lords of the soil, their rights, at least in their own country, none disputed, and yet while people grumbled at the one million and a half which was paid by us to extinguish the intangible title of the Hudson Bay Company, and regretted that this corporation should have been allowed to retain one-twentieth of all the land, together with large special reserves around their posts, few reflected that the money paid the Hudson Bay Company was not all the cost, and that we must yet buy from those who owned and possessed them, the very lands that we were so graciously giving this company the one-twentieth of.

"Still, for better or for worse, the deed is done, the bargain concluded, the money paid, and the responsibilities incurred, and Canada appreciating the future which awaits her, has grappled with the question of filling these newly acquired valleys with the teeming population of the old world; we have projected railways over them, and canals through them; we have taken steps to make the rocks yield their rich and varied contents, and the rivers their golden sands. Discussion after discussion has taken place in this House, from apparently every possible point of view in regard to the development of this region, but I fail to remember one single word that would indicate the slightest consideration for those who are now happy and content on its hunting grounds, and to whom the carrying out of these projects means, unless a wise legislation interferes, gradual but inevitable destruction. Population and railway communication we must have, but let us never forget that the cuttings of the railroad will desecrate many an Indian burying ground, and that the plough of the settlers along its line, will pass through many an Indian hearth, that is bright with fire to-day.

"At this moment there is a condition of profound peace among the Indian tribes north of the international boundary. In any part of this vast region the life of a white man is safe; no lodge would refuse him its shelter, and its food would be shared without the expectation of reward. They are absolute lords as yet of their hunting grounds; the half-breeds, it is true, are allowed to participate as a right in common with themselves, but parties of Englishmen and others, hunting for pleasure, are compelled to pay a royalty for the privilege, to those masters of the soil. I mention the fact, sir, of the state of peace which exists among the British Indians because of its contrast to the state of affairs in the Indian country of the United States. There, the most ordinary surveying party has to be protected by a strong detachment of troops, and a condition of things exists which would seem to show that all faith between the contracting parties to treaties has passed away, and that the cruel strife will only end when the last Indian has uttered his death cry.

"Hon. gentlemen will admit that the contrast is great, and I respectfully submit that there is no public question of the day more worthy of the consideration of this House than the determination of a policy which will ensure a continuance of the peace which exists, and the avoidance of those Indian wars which are always characterized by brutal outrages, and enormous expense. Allow me to cite one instance only, among the many such which have occurred in the United States: west of the Red River, and south of the boundary line is the country of the Sioux Indians, corresponding to our Cree tribe, who occupy a similar geographical position on our side of the boundary. These tribes are about equal in numbers; both are Indians of the prairie, practiced horse-

men and excellent shots. Ten years ago, this tribe of Sioux were in as profound a state of peace with the United States as the Crees are now with us; but a grievance had been growing; the conditions of their treaties had not been carried out; remonstrances to their agents had been pigeon-holed in official desks; warnings from half-breeds and traders who knew their language had been pooh-poohed by the apostles of red tape, till suddenly, the wail of the massacre of '63 echoed through the land. Western Minnesota was red with the blood of the innocent, and for hundreds of miles the prairie horizon was lit up with burning dwellings, in which the shrieks of women and children had been silenced by the tomahawk of the savage. The military power of the United States was of course called into requisition; but the movement of regular troops was slow, while that of the Indian was like the "pestilence which stalks in darkness." Where least expected; where farthest removed from military interference; in the dead of night they appeared, and the morning sun rose on the ghastly faces of the dead, and the charred remains of their once happy homes.

"Trained soldiers in the end overcame the savage; but not until a country as large as Nova Scotia had been depopulated; not until the terror had diverted the stream of foreign immigration to more southern fields, and not until three military expeditions, on three successive years, had traversed the Indian country, at an expenditure to the United States government of many millions of dollars, and necessitated since that time the maintenance of ten military posts, with permanent garrisons of three thousand men.

"It needs, sir, no argmument to show that in Indian difficulties of this sort, prevention is better than cure. Americans admit that this tribe of Sioux were the best, when fairly treated, that the Government had had dealings with, and confess that in very many cases the complaints of the Indians were only too well founded, and it is for us to profit by the bitter lessons in Indian matters which experience has taught them. Fortunately for us, we commence our relations with them in the best possible manner; they have to us no hereditary hatreds, no traditions passing from tribe to tribe of broken faith and unfulfilled promises; and it is only necessary for us to determine a policy which will be fair to them, and to convince them that our promises will be rigidly kept, to ensure to us a continuance of the present state of peace which exists.

"I am perfectly well aware that an opinion prevails throughout the older provinces that there is no danger of difficulty with the Western Indians, because we have had heretofore no serious difficulty with them in the present settled portions of Canada. I know that the fact of these Indians, American as well as English, almost religiously preserving the medals given to their forefathers in George the Third's time, will be cited as a proof of their hereditary loyalty to the crown, and an argument against the possibility of difficulties; and, while I am prepared to admit that this sentiment among them will make it less difficult to preserve peace, still I warn honorable gentlemen against placing too much reliance on that which is at best but a very intangible idea of the relations between the crown and themselves, and that whenever they are convinced that they have been unfairly dealt with, or, as they themselves would express it, "the face of 'Okemaqua,' their great mother, has been hid from them," that the feeling of injustice will produce the same results north of the 49th parallel as they have to the south, notwithstanding the sentiment of loyalty to the British Queen which undoubtedly exists. I have cited our Cree nation in connection with the American Sioux, because the lands of that tribe will be first required by the Dominion, and to draw attention to the fact that difficulty with them would be attended with the same apalling results, the same enormous expense as in the case of the war between the United States and the Sioux.

"In the determination of an Indian policy, sir, we have unfortunately very little to gain from past experience. The circumstances under which the Indians of the older provinces were treated with are utterly different from those of the present day. Then the advance of settlement was slow, and the Indian continued to hunt over and enjoy, in many cases for fifty years after, the lands that he was receiving yearly payment for. The process

of change was so slow that he scarcely felt it, and when he did, a change of location to a short distance remedied the evil. These were the days when railroads were not, and when even colonization roads followed instead of preceded the settler. In our day the case is different, and particularly so in a country where farms are made in one year instead of the fifteen which was once necessary in older Canada. Now, the embers of the treaty council fire will scarcely be cool till the Railway Engineer is locating his line, and two years will scarcely pass till the scream of the locomotive will echo where buffalo feed to-day. Here will be no gradual, imperceptible change as with the Indians of the older provinces; we know that our occupation of the Saskatchewan valley means the disappearance of the buffalo and other prairie animals; we know that to the prairie Indians these animals are more than manna was to the wandering Israelite; their flesh feeds him, their skins clothe him, and their hides form the house he lives in. The question, then, to consider is: What are we to give him in compensation for his hunting grounds? A railroad we must have; settlers along its line is a natural consequence; and the first step toward this end must be a treaty with the present occupants. Now, Sir, I take it for granted that the Government have as yet decided upon no special policy, that they are willing, perhaps anxious, to hear an expression of the views of this House. It is true that two treaties—those of 1871—have already been made, very much on the same terms as the treaties of the last century; but, Sir, the papers which I hope to have brought down by the moving of this Address will show that these treaties have not been satisfactory to the Indians, who, through their Head Chief "Miskokanew," the Chiefs Les Grand Oreilles, Yellow Quill and others, have protested against them, and in some cases have refused to receive the stipulated annuity. Briefly stated, these treaties consist of the surrender of 30,000,000 acres of land on the one side, and the payment of an annuity of three dollars per capita, a reserve of land equal to 160 acres to a family of six, some gaudy clothing and a wagon to the Chiefs, and a plough, harrow, and schoolmaster to each reservation. Now, Sir, the sum paid is inadequate to the commonest wants of an Indian! It will not buy him the tobacco he smokes, nor the powder and shot he uses, much less the woolen clothing and covering which the disappearance of the larger animals has necessitated his using.

"Let us consider the matter fairly and see whether we would be doing justice to the Indians, in making these treaties the models for all subsequent ones. East of the Rocky Mountains, we have acquired an Indian Territory of three millions square miles; on it there is a population of thirty-eight thousand Indians; the individual Indian, then in an average treaty, cedes to the Government forty square miles of country; this forty square miles of country at present supplies him with his food, his clothing and his house, the smaller fur-bearing animals on it give him the means of acquiring what he needs of European manufacture. The moment he concludes a treaty for lands desirable for agricultural or railroad purposes, but two courses are open to him, either to remain and starve, where once he revelled in plenty, or to totally change his habits and adopt those of the incoming race, in wresting from the soil a subsistence. The idea that he can do the latter on a payment of three dollars annnally is of course an absurdity, the glaring nature of which is all the more apparent, when we reflect that when we have brought him within the pale of civilization, we compel him to pay several dollars annually to the State, on the tobacco he smokes, the tea that he drinks, and the blankets and clothes that he wears. The proposition is an absurdity; we take from him his heritage, in the Saskatchewan Valley — say forty square miles to each; we compel him in our duties on imports to contribute several dollars yearly towards the State, and we magnanimously propose to pay him three dollars a year for life. Our laws declare him a minor and yet we drive as hard a bargain with him as though he were a land-jobber, and when other arguments have failed to make him accept the terms, we plainly give him to understand, in a spirit of civilized barbarity, that might is right, and that we will have his lands. Any qualms of conscience on our parts are apt to be satisfied by platitudes about the march of civililization and the domination of the Anglo-Saxon race, judiciously forgetting

that it is not so many hundreds of years ago that our British ancestors bore about the same relation to their Roman invaders that the Indian bears to us, and that we think quite proper, nay, even heroic, these Britons having opposed their naked and tattoed breasts to the advance of the well-armed Romans.

"You can trace a melancholy similarity in the reason which Indian orators give as the cause of their wars and consequent misfortunes. With "Brant" and "Black-hawk," "Pontiac," "Logan," "Powatan," "Tecumseh," and the "Prophet," the cause assigned is the same. It is the same story of the encroachment of the whites; the failing of the game; the inadequate compensation. "Tecumseh" characterizes his nation as "once a happy race made miserable by the white people always encroaching." "Black Hawk" tells us that "he went to the Great Father and he gave us fair words and great promises, but no satifaction; there were no deer in the forest; the opossum and the beaver had fled, and our squaws and papooses starved:" and "Red Jacket," a Seneca Chief, sums up the argument in one of his great speeches, as follows: "Brothers, listen to what I have to say: there was a time when our forefathers owned this land; their seats extended from the rising to the setting sun; the Great Spirit made it for the use of the Indians, but an evil day came upon us when the white man crossed the Great Waters; he told us that he was flying from wicked men, and wanted a small seat in our country; in pity for them we granted their request and gave them corn and meat while they gave us poison in return; at length their numbers increased, they wanted more land, they wanted our whole country, and at last our eyes were opened."

"The Indians treated with in 1871 are dissatisfied with the treaty. Unaccustomed in the interior to the use of money, they formed a very incorrect idea of the value of the bank bills in which they were paid. In the case of the first payment at Fort Francis, on Rainy Lake, they hurried to the Hudson Bay Company's trading establishment at that place to test the value of those strange papers. Soon they found that three dollars only represented three pounds of Tobacco, or two-and-a-half pounds of tea, or five yards of print. Dissatisfaction was the result, and an Indian Chief, in handing back the three dollars he had received, said, "I do not want it; it will take me three years to buy a coat." They found they could only procure with the money what they could get for a single mink skin, and this band have since refused to treat with the Government.

"To me it seems, Sir, that there is only one course open: we must civilize the Indian by weaning him from the chase to the cultivation of the soil. I know that the Americans, after immense appropriations of money to that end, have come to the conclusion that this is impossible; but, Sir, I am proud to say that we have a direct contradiction of their proposition in the numerous settlements of Christian Indians about our missions, where the Indian nature has so far changed as to make him in point of industry, of truthfulness, and of obedience to the laws, the equal if not the superior of the average white man.

"We are bound by the transfer to protect the Indians of the North-West; they are consequently at this moment the wards of the Government. While it will be the easiest thing in the world by the adoption of an unwise policy to sow the seeds of an everlasting enmity, yet I hold that it is equally possible by wise measures to retain their friendship even while we are purchasing their lands; that, in fact, we can economize him, if I may be allowed the expression, while we are protecting him. To do this, I hold that treaties must be made with them on a more liberal basis than those of 1871. Instead of a perpetual annuity, I would suggest a much larger sum annually, for a stipulated period, say 21 years; instead of a payment in money, I would be in favor of giving him indispensible articles of European manufacture or growth, and of stipulating that a very large proportion devoted to each band on a reservation, should be applied to the purchase of agricultural implements and oxen, and the payment of native farmers competent to instruct them in cultivating the soil; instead of the present reserve of 160 acres among a family of six, I would suggest at least 160 acres to each individual, and stipulate that the reservation should be situated near some well known fishing ground, and be far removed as

possible from centres of white population and much travelled highways; and, lastly, I would expressly stipulate that the most ample provision be made for his education in our language. If honorable Gentlemen feel that to do this would entail too great a tax on the finances of the country, I would respectfully suggest that a reservation of one section out of each surveyed township, as in the case of school lands, would by its sale at a time when its value had been enhanced by contiguous settlement, provide a fund which would materially lessen the amount necessary to be appropriated for the Indian Department.

"A change from the policy which dictated the treaties of 1871 I hold to be actually necessary. I would regret much to be considered an alarmist, yet I declare from my place in this House my conviction, based on knowledge of the feelings of the Indians, that no more treaties can be made with them on those terms, and it is a question whether, till the existing dissatisfaction of the bands already treated with be dissipated, they will make a treaty at all.

"I have heard it rumored with a very great deal of satisfaction, that the Government propose to manage the Indian affairs of the North-West mainly in Manitoba, and that instead of one Commissioner, there will be a board of three, one of whom will be the Governor of Manitoba and the North-West Territories; if so, this is a step in the right direction, and I would earnestly suggest that this Board take early steps to enquire into existing causes of dissatisfaction among the Indians who made the treaties of 1871.

"In conclusion, I would remark that the Indian has had few friends; history has done little else for him than record the deeds which he has done in anger and when smarting under a sense of injustice. Poetry and romance have combined to throw a false glamour around his daily life, and it is only when we can be brought to consider that he is only now what our ancestors were not so very long ago; that he is swayed by the same impulses; governed by the same necessities as ourselves; that we are likely to accord to him the justice which is his due. As political economists, we are bound to endeavor to prevent his either becoming a scourge or a pauper, and to make of him, if we can, a grain or stock-producing, law-abiding citizen of the State; and should we, Sir, by the adoption of a sound Indian policy achieve such a result, I cannot but feel that when Canada has taken that place among the nations which her extent, her resources, and her position will one day entitle her to, we can look back with pride and pleasure to measures which at least have accorded justice, possibly even produced lasting benefit, to a race who upon this continent are now fast passing into History."

In thanking hon. gentlemen for their indulgence, and the hon. Dr. McInnes for the kind manner in which he has assisted me, I am glad to be able to say that the Government of that day did take into consideration the views expressed by members of the House of Commons and Senate, as well as the valuable experience and advice of devoted men of various missionary bodies, and their desire to deal fairly with the Indians was evinced by the granting of an increased money payment, large reservations, provision for farm and school instructors, agricultural implements and cattle to the Indians, afterwards treated with, and the alterations of the conditions of the first treaties so as to grant similar concessions.

In the following summer (1874), the first of a serious of treaties was made with the Indians of the plains at the Qu'Appelle Lake, which form an epoch in Indian affairs, inasmuch as they then surrendered a country, in which there were a few fishing lakes, no extensive forests in which game could shelter and be protected from too rapid extermination, and where the buffalo, then in almost countless numbers, furnished his food, his house, his clothing and bedding, his bow-string, powder horn, saddle and bridle, and the sale of whose robes rendered easy the procuring of his ammunition, his ornaments and his arms. The preservation of the buffalo then became an important factor in the Indian problem, and three years later their wholesale destruction was a subject of discussion in the House of Commons in 1877, from which I shall take the liberty of reading the views of Hon. Donald A. Smith and myself upon the subject, as expressed upon that occasion:—

"Mr. Schultz moved for copies of all communications from the first Council of the North West Territory in regard to the preser-

vation of the buffalo; all communications on the same subject from Indian Commissioners or other Dominion Government officials, and all Orders-in-Council or Acts passed by the present Government of the North West Territories having this object in view. He said that he had brought up the subject of the preservation of the buffalo last year, and on that occasion had explained that, from various causes, the destruction of the buffalo had been very great indeed, and was becoming greater as the circle wherein they were to be found was being gradually narrowed. About ten years ago he had seen buffalo east of Red River, and now they were only to be found by going several hundred miles to the west of that stream. Crowded westward by the settlement of the country, and the hunting parties from the Red River settlement, they were now attacked on the north by the hunters from the new settlements on the Saskatchewan, while from the south the hunters of the Missouri made their onslaught. Added to these sources of diminution was the number killed by the Cree and Blackfeet Indians who inhabited the buffalo country proper, and the wolves, together with the loss caused by drowning, made up the quota, which was estimated by the Rev. Father Lacombe, a perfectly reliable authority, to be a destruction of about 80,000 in winter and 80,000 in summer, making a total of 160,000 killed yearly. Unfortunately, too, it was the female buffalo which was selected, if possible, her evenly distributed protection from the cold making the best robe, and her flesh being the best for pemmican and dry meat purposes, and hence it was that late travellers reported meeting droves of buffalo in which the proportion of cows was only about one-sixth. Now, while it was a fact that the very existence of the plain tribe of Indians depended upon this valuable animal, it was obviously desirable that they should be preserved as long as possible. The same authority (Father Lacombe) whom he (Mr. Schultz) had already quoted, estimated that at the present rate of destruction, in 8 years the buffalo would be extinct, and was of the opinion that, were a law enforced which would prevent the killing of these animals from first November to first May, and calves at all seasons, in five years the increase would be such that the restriction might be removed. Several years ago, in speaking of the condition of the Indians of the North-West, he (Mr. Schultz) had pointed out the results likely to be occasioned by the entire destruction of the buffalo. The animal was invaluable to the Indians, because its flesh was his food, the hide his house and clothing, while the sale of its robe furnished him with all that he needed of European manufacture. Without this source of supply, the Indian would become a pauper, and, by an easy transition, a marauder. To avert these results it was obvious that the buffalo must be protected, at least, till a time arrived when the Indians who now inhabited these hunting grounds could be weaned from the chase and taught to depend wholly or in part upon agriculture. From one of the Government sources of information he was glad to see their attention directed towards this matter, and hon. gentlemen would find in page 34 of the Minister of the Interior's report the following statement of Mr. Dickinson of that Department:—

"The subject which at present takes precedence of all others in connection with the Indian question in the North-West Territories is the preservation of the buffalo. The rapid decrease in the numbers of the buffalo has become a matter of alarm to the Indians, who see that, unless steps are speedily taken to arrest it their future condition will be one of extreme hardship. That the buffallo are decreasing in number in a rapidly increasing ratio is a fact admitted on all sides. A few years ago they were found in plenty over all the country extending from points eastward of Fort Ellice to the Rocky Mountains, and from the north branch of the Saskatchewan to the United States boundary line. Hemmed in by the American hunters, the Blackfeet, Bloods, Preguns, and kindred tribes of Indians on the south and west, and by the half-breeds, Salteaux and Crees on the north and east, the area over which they then roam has been gradually encroached upon, and their numbers reduced. This summer they have come further east than they have for many years, and were found within a few miles of the Touchwood Hills post, while south of the Qu'Appelle they were reported to have been seen not far from the boundaries of the province of Manitoba. But, while they were thus plentiful in the south and east section of the country I have above referred to, there were few or none to be found in the west and north, and the Blackfeet and other tribes in the east quarters were said to be starving, and following the buffalo eastward. I am aware that this question has already received some consideration on the part of the Government, and that representations have been made by parties better informed than I claim to be, as to the necessity of some action in regard to it. For this reason I will not enter into the matter as fully as I would otherwise have done.

"While at the Qu'Appelle Lake the Cree Chiefs, accompanied by their principal head men, waited upon me, and represented that they were becoming alarmed on account of their means of subsistence failing, and begged me to report what they said to the Government, and to convey their request that something should be done to prevent the entire extermination of the buffalo. To show the importance they attached to this question I may remark that each Chief and his head men separately made the same request. In all my previous intercourse with the Indians I have never seen this course adopted. In discussing other matters, a spokesman is generally chosen who speaks for all, the others merely signify their assent; but in this case it was evident they considered something more was necessary, and adopted this

method to express the gravity of their position upon me. In my opinion the buffalo must be protected, or in a few years, not more than ten at the furthest, the whole number of Indians in the North-West, who now rely upon these animals for subsistence, will require to be fed and maintained principally at the expense of the Dominion Government. I can see no other alternative, as it is an impossibility to teach them in a short time to forsake their present mode of life and adopt that of civilized men. The subject is one which demands and should receive the early consideration of the Government, for the peace and consequent prosperity of the North-West Territories depend in a great measure upon it. Should the buffalo become exterminated, it is not to be expected that the starving Indians will refrain from helping themselves to the supplies to be found in the stores of the Hudson's Bay Company and other traders; compelled by hunger, outrages might be committed by them which would result in an Indian war. These are the views of every one who is well informed regarding the state of the country, and while I admit that the Indians at present are peaceable, well disposed and have every confidence in the Government, I think there can be no doubt that they are correct."

"It would be seen from this statement that Mr. Dickinson corroborated his (Mr. Schultz's) own assertion on several occasions that the Indians themselves fully appreciated the danger to themselves, and would willingly submit to a protective measure, such as suggested by Father Lacombe. When the matter was brought up in the House last session the Premier stated that the Government had the matter under consideration, but as yet they had heard of nothing being done. A new Government had been established in the North-West, and machinery for the enforcement of any preventive measure had been in existence for some time, and he (Mr. Schultz) could not but believe that some one was to blame for the neglect of this important matter. Hundreds of thousands of dollars were being spent for the maintenance of a Government and police force in the North-West. The treaties made were not likely to be satisfactory to the Indians when the settlements of the country pressed upon them, and it was clearly the duty of the Government, who were by law constituted the guardians of this little-understood and often-traduced race, to see that, while by the stipulations of their treaties they were allowed to hunt over the land which, often with many misgivings and under pressure of necessity they had sold, this game, the best gift, in their opinion, that the Great Spirit had given, should be preserved to them and for their use against the present wholesale destruction and inevitable extermination."

"The Hon. Donald A. Smith (Selkirk) said he was happy to be able to concur entirely with the hon. member for Lisgar (Mr. Schultz) It was very necessary that some steps should be taken to prevent the entire destruction of the buffalo in the North-West. This was a matter in which there might be reciprocity with the United States. We should give them the same measure which they gave us. They did not permit any except American citizens to go to their territories and trade and hunt, and even their own citizens were forced to get licenses. The slaughter and disappearance of the buffalo was owing in a large measure to the inducements held out to American traders. A large number of the robes went to the other side, and, while the Canadian trader lost profit so far as this was concerned, the buffalo were also rapidly decreasing, or rather, gradually but surely being killed out. He hoped that the Government would be able to devise some means to exclude to some extent the ingress of American traders and also, as far as possible, to give protection to the buffalo."

It is now over 360 years since the Spaniards first saw a herd of buffalo low down the Mississippi valley, and they are since known to have existed then in millions. The advance of settlement and the building of the Union Pacific Railway have within our own time confined them between the Missouri and the Saskatchewan, and when Canada acquired the North-west in 1869, the larger part of those which remained were to be found north of the boundary line. Where are they now? My good friend Father Lacombe was right in his prediction, for last year witnessed the extinction of the American Bison, the Buffalo of the plains, the animal which the Indians always spoke of as their best friend, the one that had yielded for ages to their forefathers plenty and prosperity; and when civilization had brought to themselves necessities before unknown, a valuable supplement to Government assistance. The extermination of the buffalo forms another epoch in Indian affairs, and brings us face to face with a most important phase of the Indian question. What is to become of him under these changed circumstances, is a question that demands speedy solution. What we are to do with him must be determined by us. Is he now to become a scourge or a pauper, or shall we make of him a law-abiding, grain and cattle producing citizen of the state? In the solution of these grave questions may God bring wisdom to our councils, and that spirit of tolerance among our people towards them which should follow the reflection that they are as yet but half savages who only now, when hunger is pressing them sorely, are beginning to

understand the value of the birthright which they yielded to us so easily and so cheaply.

HON. SIR ALEX. CAMPBELL—I very heartily and sincerely congratulate my hon. friend who has made this motion, on his ability to go through the fatiguing task which he has set himself, so completely and satisfactorily to the House I am sure, as well as to himself. Nothing but the strong force of will which my hon. friend is characterized by could have enabled him to accomplish as well as he has done the duty which he thought it necessary to perform to-day. I agree with him as to the responsibility of the Government; I agree with him as to the difficulty of the task which is before the Government and before the people of this country, in dealing with the Indian race in the North West. So far as the Government have been enabled to deal with them up to this moment, we have endeavored to meet the circumstances which have been occasioned by the destruction of the buffalo. The calamity which has befallen the Indian race in the loss of the buffalo is of course overwhelming; it has rendered the task of dealing with the Indians more difficult. So far as the Government have been able to give them farm instructors, and cattle and implements, and opportunities to become agriculturists or herdsmen, Very great and strenuous efforts have been made, as my hon. friend knows, both by the Mackenzie government and their predecessors, and the present administration has since followed it up, of late years at great expense. I do not think there is any disposition on the part of the people of Canada to grudge what is necessary to deal fairly with the Indians or to meet the difficulties which have been occasioned by the destruction of the buffalo; and in endeavoring to feed them, while it is necessary to feed them, hon. gentlemen will agree with us that we should not in so dealing with them reduce them to the condition of paupers—that we should endeavor, while we prevent them from suffering from starvation, to distribute the rations that is given to them in such a way as to induce them to labor for existence as herdsmen or tillers of the soil. I must admit that it is a difficult task, the accomplishment of which we can only look for in a modified degree at the end of many years. The problem is certainly one of the most difficult that the people of this country have to deal with, and I agree with my hon. friend in the wish he expresses that this Government, or any future government who may have to deal with the Indians, may deal with them in fairness and with that spirit of honesty which for so many years has characterized the dealings of the Hudson Bay Company with them, and has given to this country a heritage of great value and importance, and secured from them full confidence in the promises and good faith of the Government.

It has been the earnest and anxious desire, I am sure, of every Government in Canada since the acquisition of the territory, so to deal with the Indians as to retain their confidence, and to endeavor as far as possible to ameliorate their condition, and to meet the very trying circumstances in which the destruction of the buffalo has placed them. There is no objection to the address, and I hope it may be the means of assisting my hon. friend in the task which he has set for himself, a task which, if his health is spared to him, he is likely to accomplish and thereby render very great service to the country.

HON. MR. ALEXANDER—I do not feel that any member of this House could add anything to the clear and lucid statement of the hon. gentleman from Winnipeg, and never was a statement upon so grave a subject made at a more opportune moment to Parliament. I should be sorry to add one word to destroy the effect of the admirable statement which the hon. member has made, and I only rise to express the hope that the speech which the hon. gentleman has now delivered will make an impression upon the members of the Government of this country. It is the duty of the Government of the day to make the solution of this problem of the management of the Indian tribes a matter of the gravest consideration. There is no question on which the future of the country depends so much as the wisdom with which our Government act, and if they will devote a large portion of that time which they are now employing to devise means to keep themselves in power and wasting the pub-

lic moneys as they are doing year after year upon unworthy objects—if they will devote more time to study how they can possibly bring the Indians to look to us with entire faith and confidence then they will be giving prospects of future peace to that North-West Territory. Everyone knows that there is no hope of the progress of that country so long as there is a feeling of dissatisfaction amongst the Indians. It is all very well for men to say that we can deal with the Indians as Mr. Gladstone would do with the disaffected portions of Ireland, by sending a police force to suppress disturbances. The cases are not parallel. As the hon. gentleman says in his lucid statement, we have destroyed the hunting grounds of the poor Indians, and we know that they are instinctively so constituted that we cannot rapidly make them cultivators of the soil. There is no subject at this moment which ought to engross more the study and consideration of our rulers, and I join my prayer with that of the hon. gentleman who has done his duty so nobly to-day in calling the earnest attention of those Ministers here to the subject, and I hope the Government will give it their best attention, for the future of the country depends very much on their following the excellent advice of the hon. member from Winnipeg.

The motion was agreed to.

CANADIAN PACIFIC RAILWAY EMPLOYES RELIEF ASSOCIATION BILL.

PLACED ON THE ORDERS.

HON. MR. SCOTT—A Bill came up from the House of Commons yesterday which was laid on the table. The hon. gentleman who was to have taken charge of it was absent at the time. He has asked me to have it placed on the orders. I therefore move that the Bill brought up from the House of Commons on Tuesday the 14th instant, intituled "An Act to incorporate the Canadian Pacific Railway Employes Relief Association," be placed on the orders of the day for the second reading.

The motion was agreed to.

HURON AND ONTARIO SHIP CANAL CO'S. BILL.

PLACED ON THE ORDERS.

HON. MR. GOWAN—I beg to move a similar resolution, in the case of another Bill. I move that the Bill brought up from the House of Commons on Tuesday the 14th instant, intituled "An Act respecting the Huron & Ontario Ship Canal Company," be placed on the orders of the day for second reading to-morrow.

The motion was agreed to.

PRESERVATION OF PEACE, PUBLIC WORKS, BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (O) "An Act further to amend 'An Act for the better Preservation of Peace in the vicinity of Public Works,' and the Acts in amendment thereof." He said—This is a Bill to remedy certain defects in the original Act concerning the preservation of the peace in the vicinity of public works, which have arisen during the administration of the Act on several works, representations concerning which have been made by the stipendiary magistrates and others concerned in administering the Act, partly to us here and partly to the Government of Ontario. These changes are not serious, and I can explain them better when the Bill is before a committee of the whole than I can now, and I think with greater convenience to the House. I therefore move without further explanation that the Bill be now read the second time.

HON. MR. VIDAL—I really expected that the senior member from Halifax, who has such a very great regard for the rights and privileges and interests of working men, laborers, etc., would have risen in his place and protested against this terrible encroachment on their rights as freemen.

HON. MR. ALMON—Does the hon. gentlemen think it is right to attack the senior member from Halifax when he is absent from the Chamber?

HON. MR. VIDAL—The junior member I mean. Surely my hon. friend has looked at this Bill and sees that in its provisions there will be no possibility for those laborers who are engaged on our public works to get the beer and wine which he thinks so essential for their well-being. If I had proposed such a measure I should have found him with all the vehemence and eloquence he is so capable of manifesting contending for the rights of these people that he believes are being encroached on. However, he has not done so, and I have only to express my very great satisfaction that this Bill has been introduced. I have looked at its provisions and I see that its object is to give greater effect to that Act; that the penalties for the infraction of the law are increased, and the facilities for convicting offenders against the Act are made greater. I rejoice that this Bill has been introduced, particularly at this moment, because the very principles which led to its introduction and the very arguments which the Minister of Justice has now used in support of it, are the very principles and arguments which render it expedient for us to favorably treat and pass into law the Bill of which I have to-day had the honor of moving that the second reading take place on Monday.

HON. MR. ALMON—I am very glad to hear the admission my hon. friend from Sarnia has made that the Canada Temperance Act is inoperative and requires further legislation in order to put it in force. I thought the Canada Temperance Act was to be a panacea; that when it was once passed the different counties would adopt it, and now the hon. member comes and tells us that a little simple Bill, of which the hon. Minister of Justice has moved the second reading, stating that there shall be no drinking within a cer- distance of public works, is required to make the law operative; and that the Temperance Act, with 133 sections and hundreds of sub-sections, is not enough—that that Act which, despite the opinion of all the lawyers against it, compels a man to be put on the rack to tell whether he has ever been guilty of selling liquor, a principle which was pronounced yesterday in the case of another Bill to be unconstitutional and unEnglish—that a Bill which requires the wife to bear witness against her husband, which was likewise spoken of by the lawyers yesterday as being wrong in principle—that that Act with all its imperfections is not sufficient to put down intemperance, but a little Bill like this which has been brought before us to-day is needed to make it operative. I let the hon. member from Sarnia enjoy all the benefit he has gained by his attack on the senior member for Halifax.

The motion was agreed to and the Bill was read the second time.

CENTRAL PRISON, ONTARIO, BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (P) "An Act to amend the Act respecting the Central Prison for the Province of Ontario." He said: This is a Bill introduced at the instance of Mr. Mowat, the Attorney General of Ontario, to provide for the transfer of boys from the Central Prison either to the common gaols of the country or to the Reformatory. Some difficulty has arisen there for the want of this power, which they desire to have removed.

The motion was agreed to and the Bill was read the second time.

LEGISLATION IN THE SENATE.

DEBATE POSTPONED.

The order of the day having been called for resuming the debate on Hon. Mr. Plumb's motion, viz.:

"That he will call attention to the desirability of encouraging the initiation of Private Bills in this House, with a view to the more equal division of the labors of the two branches in the earlier period of the session, and that he will also enquire of the Government if it be not deemed advisable to originate in this House as many measures as the law and usage of Parliament will permit in order that this House may more adequately fill its place in the Constitution."—(Hon. Mr. Dickey.)

HON. SIR ALEX. CAMPBELL said—I would ask my hon. friend to postpone this until to-morrow, so as to enable us to reach the Bills which are on the orders of the day.

HON. Mr. DICKEY—I feel I am placed in an awkward position with regard to this motion, because, really there is no time to go far into the discussion to-day, and I should be sorry to block the business in any way. The suggestion having been made to postpone the debate, I yield, on the understanding that this motion shall be made the first order of the day to-morrow. I move that the order of the day be discharged accordingly.

The motion was agreed to.

ONTARIO PACIFIC RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (72) "An Act respecting the Ontario Pacific Railway Company."

The motion was agreed to and the Bill was read the second time.

BANK OF WINNIPEG BILL.

SECOND READING.

HON MR. SUTHERLAND moved the second reading of Bill (62) "An Act to amend the Act to incorporate the Bank of Winnipeg." He said: There is nothing extraordinary in this Bill. It contains two sections—one to reduce the capital stock, and the other to extend the time fixed for obtaining a certificate from the treasury board. I may also add that the bank has not yet been organized.

The motion was agreed to and the Bill was read the second time.

ADVANCES TO THE PROVINCES BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the second reading of Bill (7), "An Act respecting certain Advances to the Provinces." He said: The different provinces of the Dominion are in the habit of receiving advances from the Government of the Dominion, from time to time, to meet the cost of improvements in the respective localities. Hitherto that has been done at the instance of the Government only; but it seemed to us that that might be attended with some danger and we should require before any advances are made to have the sanction of the legislature of the province so that we might be dealing with the legislature as well as with the Government, and this Bill is to add to the existing law these words: "Provided always, that no such advance shall be made to any province unless it shall have been previously sanctioned by an Act of the legislature of that province."

HON. MR. SCOTT—Does it not do more than that?

HON. SIR ALEX. CAMPBELL—No.

HON. MR. SCOTT—The Act which it professes to amend extends only to the Province of British Columbia.

HON. SIR ALEX. CAMPBELL—My hon. friend is quite right in suggesting that that might be the case, but if he will look at the Bill he will find that although it is found in an Act concerning British Columbia, yet that particular clause is one which affects all the provinces.

The motion was agreed to and the Bill was read the second time.

THIRD READINGS.

The following Bills passed through committee of the whole and were read the third time and passed.

Bill (101) "An Act to amend the law respecting Bridges, Booms and other works constructed over or in Navigable Waters under the authority of Provincial Acts. (Sir Alex. Campbell).

Bill (102) "An Act to amend the Acts repecting the Department of the Secretary of State." (Sir Alex. Campbell).

The Senate adjourned at six o'clock.

THE SENATE.

Ottawa, Friday, April 17th, 1885.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

CANADA CO-OPERATIVE SUPPLY ASSOCIATION BILL.

THIRD READING.

HON. MR. LACOSTE, from the Committee on Standing Orders and Private Bills, reported Bill (81) "An Act respecting the Canada Co-operative Supply Association," without amendment.

HON. MR. RYAN moved the third reading of the Bill.

The motion was agreed to and the Bill was read the third time and passed.

THE ESTATE OF THE BANK OF UPPER CANADA.

MOTION.

HON. MR. ALEXANDER moved—

That the memorandum respecting the Estate of the Bank of Upper Canada, be referred to a Committee of this House, for the purpose of enquiring into and reporting upon the same, with power to send for persons, papers and records, the said committee to consist of Messieurs :

He said—In moving for this committee I desire to say that it is for an investigation for the recovery of a large amount of public money.

HON. MR. DICKEY—I rise to a point of order. The hon. member is about to move a resolution that certain papers shall be referred to a committee. I make a point of order that that matter has already been considered and has been disposed of by the House. I will call the attention of the House to an entry on the journals on the 24th February last—

That a committee be appointed to enquire into and report, from time to time, to the House, the value of the remaining assets of the Bank of Upper Canada still uncollected, with particulars of the settlement with debtors of the bank, since its failure; also the balance now due by the bank to the country, with power to send for persons, papers and records, the said committee to consist of Messieurs :

On that motion being made, all parties were heard at length. Full explanations were given to the House, as far as they possibly could be, and after debate the House resolved by a majority of 49 to 1 to negative that motion. The hon. member then finding that he was on the wrong track, tried another motion and moved that an humble address be presented to His Excellency asking for the same information; that is to say, he moved the resolution at that time, so long ago as March, and finding that he had made a mistake, or that the information sought for in that address had been furnished years ago, and further, that a memorandum from the Finance Department was laid on the table of the House giving the hon. member and the public the information asked for—he then gave notice that he would move this resolution which is now before us. It is my duty to submit to the House that under these circumstances the hon. member is precluded from taking up the subject again this session. The rule upon that subject is laid down to protect Parliament from being constantly called upon to consider matters over and over again and to prevent them from possibly coming to contradictory decisions on the same subject. In Bourinot's Parliamentary Procedure the rule is laid down on the authority of a decision in this House five years ago on a motion by the same gentleman, the hon. member from Woodstock. It is as follows :

"When a question has once been sufficiently considered, the House will not agree to its renewal. In 1880, a Senator rose and gave the usual notice of proposed resolution, but objection was at once taken on the ground that the matter had already been disposed of otherwise. The Senate finally resolved that the notice should not be received by the Clerk, inasmuch as the subject matter thereof had already been considered during the present session and referred to the Committee on Contingent Accounts."

And in the foot-note Mr. Bourinot, the celebrated author, refers to the case that was cited that induced the House to decide in that way :

"Sen. J. (1880), 201-2; Hans., pp. 370-5. See somewhat analogous English case (cited by Mr. Dickey in Debate), 7th June 1858, when Lord Kingston gave notice of certain

questions. The Lords resolved that the questions had been sufficiently answered and would not permit the renewal of the subject."

The rule is stated still more particularly on page 339 of the same work, in which, after speaking of the inconvenience of reconsidering a question which has been once considered and decided, he states the Parliamentary rule, which is as old as Parliament itself:

"It is, however, an ancient rule of Parliament that no question or motion can regularly be offered if it is substantially the same with one on which the judgment of the House has already been expressed during the current session."

Then he goes on to say that

"Unless such a rule were in existence, the time of the House would be constantly frittered away in the discussion of motions of the same nature, and the most contradictory decisions would be sometimes arrived at in the course of the same session."

Now, so far as that goes, it is perfectly clear; but the rule is still more stringent when the question has been negatived. And that position is stated on page 340:

"But when a question has once been negatived, it is not allowable to propose it again, even if the form and words of the motion are different from those of the previous motion."

That, taken in connection with the rule, will be a guide to the House whether substantially the same motion to appoint a committee to consider the whole question of the assets of the Bank of Upper Canada and a great many particulars which are not in this motion at all—is sufficient objection to the motion that a memorandum with regard to these assets shall be referred to a committee of the House and the whole question re-opened. I think it cannot be sufficiently deprecated that the time of the House should be taken up, and I am sorry to be compelled in the discharge of duty to take the objection, but I raise the point of order, and call upon the Speaker to decide whether this motion should be put.

HON. MR. ALEXANDER—Upon a former occasion—

HON. GENTLEMEN—Order, order.

THE SPEAKER—If the hon. gentleman intends to speak to the question of order raised, he has a perfect right to do so.

HON. MR. ALEXANDER—I wish to speak to the question of order. Upon a former occasion I paid the hon. gentleman from Amherst a great compliment in saying that he was a very distinguished member of this House, a model legislator, but I am afraid, from his lamentable ignorance of Parliamentary procedure—

HON. GENTLEMEN—Order, order.

THE SPEAKER—The hon. gentleman must confine himself to the question of order. The question raised by the hon. member from Amherst is a very serious question of order for the consideration of the House, and the hon. member from Woodstock has a perfect right to dispute the position taken by the hon. gentleman.

HON. MR. ALEXANDER—Then I will confine myself to the question of order. I will call the attention of the Speaker to the famous Post Office case in the British House of Commons in 1845. That case is very well known to all members of experience, and no one should presume to raise a question of order on the floor of this House who is not posted in Parliamentary history, which the hon. member from Amherst does not appear to be. In the British House of Commons the famous Post Office case came up in 1845, on a motion made that a select committee be appointed to inquire into the mode in which letters had been detained, opened and resealed at the general, or at any provincial post office, as also into the circumstances. That is the first motion made in the House of Commons, at page 42 of the journals. Then at page 54 another motion appears on the very same question:

"The order of the day being read that a Select Committee be appointed to inquire into the mode in which letters had been detained, opened and re-sealed &c."

Then we come to page 185. A motion was made and the question being put:

"That this House has learned with regret that, with a view to the prevention of a political movement in England, and more especially in the Papal States, letters addressed to a foreigner should hrve been opened."

Here we have three different motions in the House of Commons on the same subject. Then I come to page 199; an amendment was proposed to be made to

the question by leaving out all after the word "that" and inserting the following :

"An humble Address be presented to Her Majesty that she would be graciously pleased to cause to be laid before this House a copy of any warrant or warrants &c."

A fourth motion made in the House of of Commons on the same subject in one session. The hon. gentleman, I suppose, is ignorant of all that procedure. I then come to page 214, where I find another motion on the same subject—five distinctive motions on the same subject in order to elicit an important truth. "A motion was made, and the question being put that leave be granted to bring in a Bill to secure the inviolability of letters &c." will the hon. gentleman presume to say that I am to be debarred from addressing the House when I am trying to unearth most unworthy acts—

HON. GENTLEMAN—Order, order !

HON. MR. ALEXANDER—I refrain from saying what was the object, but I submit these precedents to the Speaker for his consideration.

HON. MR. POWER—I feel that I am at liberty to say something on the question of order, the more so because I do not propose to vote for the motion of the hon. member from Woodstock, if the question of order is decided in his favor. As I stated on a former occasion, I think we should be careful not to establish a bad precedent, because the particular case coming before us may be one which has not much merit. I take Bourinot's work and I continue immediately after the passage read on page 340 by the hon. member from Amherst. Bourinot quotes May, in this way :—

"Sir Erskine May says on this point, which is one involved in much difficulty: The only means by which a negative vote can be revoked is by proposing another question, similar in its general purport to that which had been rejected, but with sufficient variance to constitute a new question ; and the House would determine whether it were substantially the same question or not."

I think my hon. friend has done just that. He has put a notice here of a resolution which varies sufficiently from the resolution dealt with on the 23rd of February to constitute a new question. Then Bourinot goes on—

"The English journals are full of examples of the successful evasion of the rule which the House permitted. In all such cases the character of the motion was changed sufficiently to enable the member interested to bring it before the House. All such motions, however, must be very carefully considered, in order to guard against a palpable violation of a wise and wholesome rule."

I think in this case there is a considerable variance between the resolution of which the hon. member from Woodstock has given notice, and the resolution which he moved on the 23rd of February. The latter was :—

"That a committee be appointed to inquire into and report from time to time to the House the value of the remaining assets of the Bank of Upper Canada still uncollected, with particulars of the settlement with debtors of the bank since its failure ; also, the balance now due by the bank to the country, etc.

Now, there is not a word about that in the notice of to-day, which is to refer a memorandum which was laid upon the table since the 23rd of February to a committee of this House, for the purpose of inquiring into and reporting upon the same. I hold that it must strike any member that these resolutions are totally different. I understand that this memorandum did refer to the settlement made with the Bank of Upper Canada, but still I think there is a very important difference between the two resolutions, and that under the authority quoted from Mr. Bourinot, which I have just read, and under the original authority of the cases in the House of Commons, which the hon. member from Woodstock has cited, we would be doing wrong in excluding this resolution, on the question of order. I may mention that in a note at page 340 of Bourinot, the author says :—

"The most memorable instances of numerous motions on a cognate question occurred in the session of 1845, in reference to the opening of letters at the post office, under warrants from the Secretary of State; 100 E. Com. J. 42, 54, 185, 199, 214."

Those are the passages which were read by the hon. member from Woodstock. Now, as I have already said, I propose to vote against this resolution, if the question of order should be decided in favor of the hon. member from Woodstock, but I think it would be an unwise thing to do anything here which would restrict or interfere with the rights and liberties of

the members of this House, and for that reason I hope that the House will not rule this resolution out of order.

HON. MR. HOWLAN — The two motions are analogous, inasmuch as they seek the same result.

HON. MR. POWER—The hon gentleman cannot tell what result is sought.

HON. MR. HOWLAN—I must assume that it is what the hon. gentleman states in his notice. I must take the notices as I find them, and draw the meaning from them. I refer the House to May, page 283—

"It is a rule in both Houses, not to permit any question or Bill to be offered, which is substantially the same as one on which their judgment has already been expressed, in the current session."

Then he goes on to say again at page 285—

"A mere alteration of the words of a question without any substantial change in its object will not be sufficient to evade this rule."

That is the case exactly that we have here. Then he continues—

"This is necessary, in order to avoid contradictory decisions, to prevent surprises, and to afford proper opportunities for determining the several questions, as they arise. If the same question could be proposed again and again, a session would have no end, or only one question could be determined; and it would be resolved first in the affirmative, and then in the negative, according to the accidents to which all voting is liable."

HON. MR. PLUMB.—That is the very case here.

HON. MR. GOWAN.—I think the hon. member from Woodstock will be candid enough to state that the object he had in view in moving the first resolution is the same object which he has now in view in moving this. It is obvious on the face of it that it is less than the first resolution, and the greater includes the less. I do not feel myself competent to enter upon the mere abstract question of order, but it does seem to me a strange thing that in any deliberative body a matter that has been pronounced upon by that body in such an emphatic way as to be pronounced frivolous and vexatious, (because it amounts to that) should be allowed to be brought up again in any form whatever. I appeal to the hon. gentleman to state if his object and purpose is not the same precisely as in the first resolution.

HON. MR. ALEXANDER.—It is.

HON. GENTLEMEN.—Hear, hear!

HON. MR. ALEXANDER.—It is, to unearth wrong-doing. I wish to know whether we are to be guided by Mr. Bourinot's interpretation of the procedure of Parliament, or to go back to May? Generally, in this House, we assume Mr. Bourinot to be an authority, and now the hon. gentleman calls upon the House to be guided by May, who was of course a high authority in former days.

THE SPEAKER—Both of these works are good authority. The point of order raised by the hon. member from Amherst is an important one, and I regret that I had not some intimation that it was coming before the House, in order that I might have had an opportunity to look into the authorities and be prepared to give an opinion upon it. I do not think it would be either fair to the hon. member from Woodstock or to the House, on such an important subject, to give a hasty opinion, after so many authorities have been cited which I have had no opportunity of examining. On the general principles stated by the hon. member from Amherst, I am quite in accord with him— a question once decided by either House of Parliament cannot again be brought before that House during the same session of Parliament. I am, however, somewhat taken aback by the precedents cited by the hon. member from Woodstock. If these precedents bear the construction placed on them by that hon. gentleman, they certainly go far to militate against the dicta both of May and Bourinot. If these authorities refer to the same acts, then they are in contradiction to these authorities; but these different motions in the House of Commons in England may have had reference to different acts in the post office, and not to the same act. I should like to have an opportunity to look more fully into the question, and at the next meeting of the House I will be prepared to rule on the point of order.

HON. MR. POWER—The hon. gentleman from Woodstock had better get his motion postponed until Monday next.

HON. MR. PLUMB—The whole gist of this argument is as to whether—

HON. MR. ALEXANDER—Order; there is no question before the House.

THE SPEAKER—There is no question before the House; the question stands until Monday.

HON. MR. PLUMB—The hon. gentleman stated he intended to accomplish the same object by the two motions.

THE SPEAKER—He qualified that, however.

HALIFAX VOLUNTEERS.

AN EXPLANATION.

HON. MR. POWER—Before the orders of the day are called, I wish to make an explanation. I made a statement with reference to the Halifax Volunteer Battalion and the manner in which they had been treated between Point Levis and Ottawa. I think it only fair to say that since making that statement and since the telegram was read by the hon. Minister of Justice from the assistant manager of the Grand Trunk Railway, I have received communication of another telegram from Mr. Wainwright, in which he stated that the train had been delayed for two hours at Richmond, for the purpose of enabling the troops to get food, and that he was under the impression that they had a meal there. I find in the *Montreal Star* of April 15th the following paragraph which seems to indicate that there was some foundation for the statement made by Mr. Wainwright. The paragraph is as follows:—

"The Halifax Battalion of 380 men, en route for the North-West, dined at the Grand Trunk Restaurant here on the 13th instant. Their lunch was said to be very satisfactory and partaken of with evident relish. They are a fine-looking body of officers and men. The large number of citizens assembled heartily cheered the troops on their departure. The men reciprocated enthusiastically."

I think it only right to make known to the House these additional statements which have come to my knowledge. The matter seems to be at the present time in a delightful state of haziness.

LEGISLATION IN THE SENATE.

DEBATE CONTINUED.

The order of the day having been called for, resuming the adjourned debate on the Hon. Mr. Plumb's motion, viz:—

"That he will call attention to the desirability of encouraging the initiation of private bills in this House, with a view to the more equal division of the labors of the two branches in the earlier period of the session, and that he will also inquire of the Government if it be not deemed advisable to originate in this House as many measures as the law and usage of Parliament will permit in order that this House may more adequately fill its place in the constitution."

HON. MR. DICKEY said: I think it must be admitted that the object aimed at in this discussion is one of a legitimate character, if it can be attained. We are told that so long ago as the second year of Confederation, a committee was appointed to consider this matter, but nothing came of it, showing the inherent difficulty of dealing with the question. We all well know that in the nature of things this Senate is not to any large extent an originating body, any more than the House of Lords. That it was not intended to be so is quite clear from the opinions which have been quoted from the two Fathers of Confederation at the very inception of that great change in our constitution. At the same time I think I am justified in saying that this body has originated as large a proportion of measures as the House of Lords, and that the number originated here will favorably compare with those of that body. We have had an instance of that given by my hon. friend from Niagara as a matter of complaint that this House had not had its due proportion, when he stated that out of the whole number of private bills brought into the Parliament in 1882, only one-ninth originated in this House. Now, that does not seem to me under all the circumstances connected with the explanations that have been given, as to such bills more naturally originating in the House below, to be an insignificant proportion. Quite the contrary. I think

the House will agree with me that there are some subjects which could very conveniently be disposed of in the early part of the session—for instance, subjects such as the one now under discussion. This was a matter that was initiated some two months ago, yet it is now sandwiched in between other important business of the House, and we are only possibly beginning the consideration of it. That is a question which might have been, I think, considered in the month of February. My hon. friend has delayed it from time to time awaiting statistics, but those statistics, unfortunately, have never come. Then there is another subject which, I think, might have been legitimately considered early in the session, and that is the debate which still drags its slow length along, on the rival budget speech of my hon. friend from Victoria, which, by a peculiar coincidence, was delivered on the same day and the same hour as that of the Finance Minister in another place. That, it appears to me, is a subject that might have been dealt with long ago, and should not now be blocking the business of the House. I am disappointed but not surprised certainly, that my hon. friend who has started this discussion has failed to suggest a remedy. The only practical remedy, to my mind, consists in this: that we should show to the public that we do our business in this House thoroughly. In that way, and in that way alone, I think we may look to attracting a greater share of the public business to the Senate. Has it ever occurred to my hon. friend who has started this motion that there is some compensating advantage, at all events, in the increased leisure which this House has, as giving to us a better opportunity of examining bills more carefully than possibly they are examined in another place? Perhaps, after all, that is the true secret of the numerous amendments in the Senate to bills coming from the other House, and which are accepted when they go down to that branch of the legislature. This I shall perhaps be able to show more clearly further on; I merely mention it now to show that there is some little compensation for the increased leisure of which my hon. friend who introduced this motion complains. Except some two and a half pages, I think, of the sixteen that contain my hon. friend's able speech, the whole of his address is devoted not to this question but to another which I cannot certainly contend is entirely foreign to it, but which at all events is not embraced in the notice upon which this debate has arisen. Whatever our opinions may be of the propriety or good taste of my hon. friend branching off into that discussion, I think we will all admit we have at least this compensation—that we have had a most interesting speech from the hon. member—interesting certainly in a historical sense, and also full of information, because my hon. friend is generally armed upon all questions that he undertakes to discuss in this House, and he is enabled not only to give us a great deal of information, but he is enabled to state his views clearly and forcibly. At the same time I hope that my hon. friend will not deem it discourteous on my part if I confess I failed to appreciate the advantages of such a discussion. It has been said that my hon. friend has been driven to this for the purpose of meeting the attacks upon the Senate. The only attack which has been made in Parliament was ten years ago, in which a discussion arose and was participated in by two hon. members, who viewed the question from two entirely different stand-points, and so far as I know we have not since heard anything of it in Parliament, and in Parliament alone can we expect to hear of it, if it is to be a live question. Surely my hon. friend will not expect this House seriously to take notice of country pic-nic speeches, where orators of the day, failing to get a subject to amuse and tickle the ears of the groundlings, branch off into a tirade, it may be at all events into badinage, about members of this House. I think it would be quite undignified in us to answer, if we were called upon to answer, such things. I should think the House would prefer to give them no answer. At the same time as a matter of taste I find no fault with my hon. friend, as he is surely in his right to discuss the subject. With these views, hon. gentlemen, I certainly should not have taken any part in this discussion were it not for the extreme position that has been assumed by my hon. friend from Ottawa. I shall take an entirely different line from the position occupied by the two hon. members that have dis-

cussed this question. On the one hand I shall not attempt to institute invidious comparisons between the members of the two branches of the Legislature, and on the other hand I do not propose to belittle or attempt to degrade the character of the House of which we are all members. The public know perfectly well who we are and what we are. They know all about our ages and occupation and they will judge us not by our occupation or the color of our hair, but they will judge us by our acts. "By their fruits ye shall know them." By our acts we shall be judged, and in that way alone can we expect to raise ourselves in the estimation of the country. In that connection I hope I may be excused for presenting shortly some facts connected with the manner in which the Senate has discharged its duty to the country. I shall not attempt any glorification of the Senate, because I think that one fact is quite equal to a dozen arguments on that subject. Before noticing this matter further I think the House may expect me to notice the agitation which has been got up by outside constitution-mongers on this question. This attack upon the constitution of the country is rather a serious one. Confederation was discussed for some two or three years before it was accomplished, and then it was matured by the united wisdom of the best minds of both parties. It has been upon its trial only for the short period of 17 years, and yet now at a time when we are just within the age—when the young girl is in the middle of her teens, we propose to tear up the foundation of the Confederation, and with regard to one constituent branch of Parliament to abolish it and to raise something else in its stead. Now there is nothing at the present moment that I can more appropriately compare that to than the conduct such as we have often seen of the small boy in the nursery where he has his box of blocks. He raises a house; he walks round and admires it, and says I can do better than that. He touches one of the corner blocks, and down the goodly fabric comes, and he proceeds to rear another in its stead. I think that the conduct of some hon. members—I would not say hon. members because I am speaking of outside people, but the conduct of some persons, I think, to the people of England, and the people of Canada, and the people of America, will be considered equally childish in regard to a matter of this kind, and they will wonder whether we are yet fit for self-government. We should appear as fickle as the people of some other countries who are in the constant habit of changing their constitution. It is not necessary to go on with that subject, because I think we ought to hear something better, something more serious before we undertake to discuss this question seriously ourselves. I come now to the position taken by the hon. member from Ottawa, and I would like to ask him here in his place, if in this position he has taken, when he has given the sanction of his name to this outside agitation, if he has spoken for the gentlemen with whom he usually acts in this House? If he has not so spoken, I have the very best assurance, from the open and manly course taken by the senior member for Halifax the other night, when he had not a word of commendation or agreement to offer to the remarks of his leader, but gave his own views and gave them out manfully, to show that it was essential to the usefulness of this House, as an independent branch of Parliament, that it should be a nominative body.

HON. MR. POWER—I do not think I did that; I think I declined to discuss that question.

HON. MR. SCOTT—I spoke on that occasion, as hon. gentlemen know, without any meditation. I got up and answered the hon. gentleman from Niagara, who, I thought, was rather drawing an opinion from me on that point. I spoke for myself alone, and for nobody else in or out of the Senate.

HON. MR. POWER—I simply declined to express an opinion on that point.

HON. MR. DICKEY—I certainly was not prepared for a contradiction of the official report. I do not wish to be understood as stating that the hon. member undertook to combat the arguments of the hon. member from Ottawa, but I think I shall be able to show, and if I am not I am not worthy to stand here, that the hon. member is entirely mistaken. His words

were these, and they are very strong words. He says, after going into the question—"My contention is that such a house as ours should be a revising body, and I submit as a revising body a nominative house has a good many advantages." That is the language the hon. gentleman is reported to have used.

HON. MR. POWER—I still say that.

HON. MR. DICKEY—I would not intentionally misrepresent the hon. gentleman, and I certainly do not now, and I did not intend to go out of my way merely to pay him a compliment; but I shall take a different course in future with regard to some other arguments of the hon. gentleman, because I was disposed to give him a little credit for them, and I shall contrast them with the position taken by the hon. member from Ottawa. The hon. member from Ottawa stated distinctly that it was utterly impossible for this House to continue as it is, and that the constitution will have to be altered at no distant date. I hope I am not misrepresenting anybody now. The hon. member took this high ground, and for what reason? He gave as an excuse that the hon. member from Niagara—he said "I assume," and my hon. friend is great at assumptions—he says, "I assume that my hon. friend from Niagara admits that this House is not appreciated by the people, and has comparatively failed." I undertake to say, as far as my memory goes, that there is nothing in the speech of the hon. member from Niagara to justify that. What he said about this House not being appreciated was solely in reference to promoters of private bills not having them introduced here, not that the character of the Senate had got so low that it was not appreciated by the public who had created it only some 17 years ago; he was simply referring to the fact which was explained by the hon. member from Halifax when he said, and said truly, that this House is essentially a revising body. So that there was not even that excuse. But besides this the hon. member gave only another reason, and it is my duty to invite the attention of the House to it, and there again I shall quote his words. He stated, "not on this continent, or in South America, is there another nominative body like this," in the face of the fact that the hon. member knows well or ought to know, that we have at the present moment three nominative bodies as second chambers within the Dominion of Canada. We have one in the province of Quebec, one in the province of New Brunswick, and one in Nova Scotia; and we had at the time of Confederation nominative second chambers in New Brunswick and Nova Scotia, and in the great province of Canada, in which the late Mr. Brown tells us that the elective system which they had tried for ten years had proved to be a failure, and the people of Quebec were told too, and told truly—because I was a member of the original conference which initiated this constitution—that Quebec never would have entered into that Confederation had it not been that the nominative Senate was secured to protect the interests of Quebec and the Maritime Provinces.

HON. MR. CHAPAIS—Hear! hear!

HON. MR. DICKEY—That is a historical truth; it is therefore strange that the hon. member, with a certain degree of recklessness of assertion, ventures to tell the House that there is no such thing as a nominative second chamber on this continent.

HON. MR. SCOTT—Of course I spoke of outside of Canada.

HON. MR. DICKEY—Why does the hon. gentleman go to South American republics or North American republics, and expect to find a body nominated by the Crown, where there is no Crown? Why, it is an absurdity! We do not go over to the American Republic for examples. If we do, we know very well that there is a body appointed in the United States of America with very much larger powers than we have, and much more independent of the people than we are—that august body, the United States Senate. It has treaty-making powers; it has powers over nominations and over other things which give it a greater amount of influence than we have, but at all events we do not go there, but across the Atlantic to our own home-land, for examples, and there we find a body—a model on which we were appointed and constituted,—the

House of Lords, and I do say that an ex-minister and a member of the Privy Council assumes a serious responsibility when he undertakes to endorse such a revolutionary change in the constitution of this country as the hon. member from Ottawa has done. I say that, not in the way of finding fault with him, because he has a perfect right to his opinions, and he has a right to tell this Chamber, for the first time since he came here, that this Senate ought not to exist as it does now. We heard a great many things during the five years my hon. friend was a member of the Government. We heard a great many complaints about what? That this House did not follow the lead of the House of Commons; and what did we hear the other night from the hon. member from Halifax, who has forced me now to tell it? His complaint is, that the only danger of this body is, that it will degenerate into a registering body of the House of Commons. There are the two positions taken by those hon. members, and I will let them settle it between them, and reconcile these opposite views as they best can. I should not deem that sufficient, because I can also refer the hon. member for an answer to the same eminent man whose opinions have been quoted here in debate. I am referring to the man who was his leader at the time, but I will refer him to him as a man of immense political experience at the time, to see what his opinion was—he was forced to come to the conclusion, after ten years' experience, that this body, which the hon. member speaks of loosely as coming from the people, in what way I do not know—was found to be a failure in the great old province of Canada. The Right Hon. gentlemen who sat beside him in all that contest explains in the same way that he was a strong supporter of the elective principle as applied to the Legislative Council of old Canada, but that he found after the same years of experience that he was forced to come to the same conclusion as the Hon. George Brown was, that it ought to be supplanted by a nominative body, and it was so supplanted. I refer the hon. gentlemen to that for an answer and in regard to it I cannot, in justice to my own feelings, abstain from paying a passing tribute to our late departed friend and compeer, Mr. Brown. The late Hon. George Brown was a man of high aims, of great intellectual power and political experience. Whatever his faults or his failings may have been, arising from an impulsiveness of nature and some degree of impetuosity of character, which led him to do and write strong things, I feel bound to say, that when, by the ruthless hand of the assassin, he was struck down, his death was an irreparable loss to his friends, his party and his country. It is to such a man as he was, with his matured experience, that I presume, I hope without offence, to direct my hon. friend to compare his opinions and his ideas, and to think seriously of it before he commits himself to an agitation the result of which perhaps none of us can forecast. I have already spoken of the position taken by the hon. member from Halifax, but I am always desirous of doing him justice. I think there is in a qualified sense a certain degree of truth in the contention which he has made, and at all events in the warning that he has given in guarding this House against the danger of becoming a mere registering body. This is no new idea of mine, because I have constantly spoken of it where it became necessary to do so; but I would go further and cordially subscribe to the hon. member's idea about the necessity of the members of this House showing a little more independence. I have no objection to that in the least. I scarcely like to speak of myself, but I think I can point to some cases before I sit down in which I have expressed independent opinions heretofore and acted upon them. Now, there are some illustrations upon this point which it is right I should advert to. The first of these was given by my hon. friend the member for Niagara, who was thoughtful to take the labor and research to look up the precedents of these celebrated five Bills which were rejected under the Mackenzie Administration. Now, I will speak of the Nova Scotia County Court Bill first, as my name was connected with it and the names of other members to whom I shall presently allude. That Nova Scotia County Court Bill was for the purpose of enabling the Government to give salaries to the County Court Judges, and the gentlemen who opposed the Bill did so on the ground that at the very time we were dis-

cussing the measure there was a Bill before the Legislature of Nova Scotia which proposed to abolish the County Courts altogether, and as the provinces have the power to create the courts, and the Dominion only have the pleasure of paying the bills, we thought it was right that while that decision was pending we should not pass the Act to grant salaries. That was the simple contention. That Bill subsequently failed in the Local Legislature ; and the Bill was again introduced in the Dominion Parliament the following year, and passed without any opposition whatever in the Senate. I say that in justice to myself, but more in justice to a gentleman whose mouth is now closed and who cannot speak for himself—I allude to the hon. member who is in the chair, who took a conspicuous part in the debate upon the subject. The Tuckersmith Bill and the Prince Edward Island Bill were interfered with in the interests and for the protection of the people, to prevent the electors from being swamped. The Tuckersmith Bill was a gerrymandering measure to bring the electors in one riding of Huron into contact with people they did not care to be connected with. That we were right in the course we took on that occasion is perfectly demonstrated by the result. The Bill was never introduced again, and the riding stands there to-day as it did when we protected the people from being shunted into some other place.

Hon. Mr. SCOTT—They were shunted afterwards over the whole province.

Hon. Mr. DICKEY—It took a long time to do it. The next case to which I will refer is the Bill to change the fiscal year. Now, that was an extraordinary measure. The gentlemen who came into office in 1873 had become so overwhelmed with business that they really could not get their reports ready in time, and they came to Parliament with a Bill which they got through the House of Commons, and asked us to establish the old fiscal year, which had its ending then as it has now on the 30th June, and ante-date it to the 30th March ; that is to say, that they should have nine months grace at all events to get up their departmental reports and to tell the couutry how the finances stood, instead of the six months that they have now. We rejected that Bill, and we were right in doing so, as the result has proved. It has never been brought forward again, even in the other House of Parliament. Then we come to the celebrated and notorious Esquimalt & Nanaimo Railway Bill. It is tiresome to reiterate those things, but I may say we turned out to be right when we rejected that Bill.

Hon. Mr. SCOTT—We subsequently passed it.

Hon. Mr. DICKEY—Two wrongs do not make a right. It is the complaint made against this House that we are dealing with now. I am going to draw another moral from that which perhaps my hon. friend will not like quite as well. I have never had occasion to refer to it before. The Esquimalt & Nanaimo Railway Bill was defeated, and a great outcry was proposed to be made, but it suddenly vanished. Why ? In three months afterwards despatches from the late Government were sent home, and they are there now on record, giving the same reasons for not carrying out that arrangement of the Carnarvon terms that we had given for rejecting that Bill. They are, I repeat, on record in our Blue Books. I have got through the five measures that my hon. friend called attention to. With the permission of the House I will add another one—that is the Common Carriers Bill, which was attempted to be forced through this House and to which I took exception on constitutional grounds.

Hon. Mr. SCOTT—There was no attempt to force it.

Hon. Mr. DICKEY—I have got a memorandum of it at all events. This Bill was brought forward, it was objected to as *ultra vires* and was rejected, and it has never been heard of since. With the exception of the County Court Bill, which we opposed on grounds that commended themselves not only to the majority of the House but to the good feeling of every one who listens to me, and which we subsequently passed the moment the objection vanished—with that exception, not one of these Bills has ever been brought up again in Parliament. The reason I mention this

Common Carriers Bill is this—I have a memorandum furnished to me that in the year 1876 this Common Carriers Bill was rejected, but on that occasion six members of the then Opposition and present Conservative party voted with the Government on that question, and I will tell the hon. gentleman further that on the vote that was taken on the Esquimalt & Nanaimo Railway Bill, eight members of the same complexion voted in favor of the Government, or they could never have got it to such a narrow point as they did. I mention this in justice to my colleagues, those who have acted with me through many a long battle, to show that when it comes to deciding upon Acts of Parliament we take an independent course, and we use our best judgment. Those gentleman thought they were doing right at the time. They have altered their judgment since, but they thought they were doing right in supporting the Government on the Esquimalt & Nanaimo Railway Bill. We thought differently and fought it out and succeeded, with the aid of two or three gentlemen who were supporters of the Government, gentlemen whom we always respected, and we respected most highly the opinions of one of those hon. members who is no longer amongst us. I mention this to show that notwithstanding all this complaint about registering the votes of the House of Commons, whenever it has come to the point of deciding questions like this the House has always taken a fair and independent course. I do not mean to say that on certain party questions they have not their opinions, and stick to them. There is no objection to that; but I will show by the record that even in the time of the late administration when they had no favors to expect, that viewing the matter from their own stand-point eight members opposed to the administration of the day thought proper to differ from us and to vote with the Government, to try to assist them in carrying an important measure, while on the Common Carriers Bill, six Opposition members supported the Government. I shall not confine myself to that, because I wish to show presently that the Senate has treated the present Government in the same manner. I wish now to give some practical information which I have taken the trouble to collate in order to show not so much to this House as to the country,—although much of it relates to a period anterior to the entry of several gentlemen here into this Parliament,—to show the manner in which we discharged our duties, because after all that is the great point. It is not so much what other people say of us but what we do to the best of our judgment that it is important to remember. I found it necessary when there was some slur cast on this Senate in 1875, when the late Government was in power, on the very last day of the session, when the Supply Bill was going through, to answer a charge that the Senate was neglecting its duty. I took the trouble to look at what had been done, and I found in that session in the Railway Committee we passed twenty-six Bills that we amended. Those Bills had come from the House of Commons, and in every instance but two, as far as I recollect, those amendments were accepted. We discharged our duty in 1875 under trying circumstances.

HON. MR. SCOTT—Hear, hear!

HON. MR. DICKEY—I am glad that my hon. friend says "hear, hear," because he is disposed to be fair and give credit where credit is due. I will take him to a period where he may not be disposed to agree with me, because this was under the Reform Administration. The 26 Bills that I spoke of were Bills which were brought before the Railway Committee independently of Bills that were amended by the Banking Committee and the Standing Orders Committee. I have taken occasion to look at the private bills in the session of 1883, and I find that there were altogether 30 Bills passed with amendments, of which 20 were private and 10 were public bills, and I find that with one exception out of those 20 private bills every amendment that was made was accepted by the House of Commons. I find that in the year 1884 there was a larger number of Bills, unfortunately, as we all found out. Last year the private bills referred to the Railway Committee alone amounted to 26, which were amended, and the other committees amended 12. We amended altogether 38 Bills, and in all these cases the amendments were accepted. Now I come to public bills, and I find that in the year 1883 out of the public

bills that came to us from another place we amended nine, and nearly the whole of these were Government bills. Two-thirds of them certainly were Government bills. I do no mean to say that they were amended adversely, in that sense at all; I mean to say they were amended mostly with the consent of the Government, but they were amended by the action of the Senate. That is my contention, and similarly in the year 1884 there were 13 public measures amended in which our amendments were accepted. Now I think this is not a bad record, and it shows that the Senate as a body—I am speaking of the Senate as a body—acted under both Governments in pretty much the same way—that they looked at each question upon its merits, and that they amended bills or opposed them or rejected them just as they thought they ought to do. Now I think it is due to the body of which I have been a member from its very inception to state that after a long experience and occasionally differing, as I have been obliged to do from hon. members with whom I usually agree, and differing possibly still more, but I hope not very much, from members of the other side, I do not hesitate to say that as a rule in the proceedings of this House, I have always observed a disposition to discuss every question upon its merits. I think I have given the very best proof of that in the statistics I have furnished here to-day. I may be told all that is very well, but the public may ask what have you done with regard to the present Government? Well, you need not go further back than the present session. We have ventilated the Government bills, riddled them pretty much whenever they have come up, and endeavored to make them what we thought they should be. That was the course we pursued in the Lands Titles Act. It will be in the memory of the House what a struggle we had last year to secure some amendments in the Territories Act in the interest of the homesteader in the North-West. Where did that struggle originate? From gentlemen who support the Government; and they succeeded, I will not say in extorting from the Government those amendments, but they succeeded in getting a part of what they asked for through the forbearance, tact and wisdom of gentlemen who know when to yield. It was done by persons who usually support the Government. I go a step further back, it the House will allow me, to call attention to something in which I took a very deep interest myself—the Factories Bill. It was brought in as a Government measure. I took exception to it at once on constitutional grounds—that it was a subject with which this Parliament could not deal—that it was one with which the local legislatures alone had power to deal. I took that ground, and the Minister of Justice did me the justice to look into the question, and I said that if they could take cognizance of such subjects there was no protection under the British North America Act at all to the provinces, and that the only way they could bring it under the jurisdiction of this Parliament was to make it a criminal Act, and I remember I stated that I did not see how they could make a criminal offence out of the absence of a clock or a convenience in a factory. The next year there was a Factories Act brought in, but that is the last we heard of it. That Bill was originated in the Senate; it was stopped in the Senate, by the action of the Senate, and it was a Government measure. There may have been a little soreness in consequence of our action at the time, but I think it will be admitted that we were right, because if that Bill had been passed it would have raised innumerable difficulties in the courts.

HON. MR. ALLAN—There was an amendment to the Militia Bill last year too.

HON. MR. DICKEY—Yes; I regret to allude to those bills so much, and especially the one last referred to, because my own name was mixed up with it. Before I conclude, I should like to express my cordial acquiescence in the position which my hon. friend from Niagara took with regard to exclusively party appointments to the Senate. I have a very strong opinion upon that point. It is not an opinion of yesterday, but one which has been growing on me for several years, and I have no hesitation, since the proper time has arrived and my hon. friend is raising the question, in giving expression to it now. One of my great objections to it is that it

is a breach of the fundamental pact of Confederation. When the union was formed the members of the Senate were taken from the legislative councils of the different provinces, and amongst the rest my own, and from the existing legislative councillors of old Canada, and the rule was strictly observed, so far as I know, that both parties should be represented in this chamber. I belong to a province where there was certainly one-third or more of the number that were called up by the Queen who were opposed to the Government of the day. My hon. friend who is opposite me knows that perfectly well, and it was the same with regard to New Brunswick, and the same with regard to the province of Ontario. Of course it may be said, "but that was at the inception of Confederation; that was to make things move smoothly at the beginning until we got the machine in our hands, and then we could operate it to put in our own friends." I say this, if it was a good thing then it certainly should be a good thing at all times, and I wish to press that view upon both of these hon. members—the leader of the Government and the leader of the Opposition in this House. I do not expect much sympathy from either of them in a contention of that kind, and perhaps they may think it a little forward in me to make a suggestion, because it means that these gentlemen would perhaps be deprived of a certain portion of their patronage among their friends, but I only speak of this in the public interest, and I do so as a matter of public duty. The course they have taken altogether is a mistake. While I say that, I must acknowledge distinctly the very great improvements that have been made in the recent appointments, and I may add that that is so far satisfactory; but under such a rule as I have indicated, which has been the practice as has been acknowledged of both parties, many men of high culture, of independent means, and political experience, can never have the chance of getting within the walls of this Senate. No person can reasonably object to a gentleman coming here who has been made the people's choice as a representative. Of course not, but there are many men that are certainly equally well fitted. My hon. friend from Niagara has referred to one gentleman who is here, a man we are all delighted to see, an ex-governor, and he has very properly suggested that such appointments are most desirable. I have in my mind's eye at the present moment another ex-governor in Nova Scotia, a man who was for some years a member of the Government of Canada, who has shown 13 years of service as a lieutenant-governor, and who has done the State most excellent service in the North-West, in trying times, as is well known. That gentleman has been nearly two years out in the cold, and yet he may not for a long time get a chance to be appointed to a body like this, which he would eminently adorn. The ex-governors stand in a peculiar position. Certainly if they are fit to be lieutenant-governors they are fit to be members of the Senate, and there is a peculiar reason for their being called to the Senate. When the lieutenant-governor steps down from his high position, it is not likely that he would consent to take a minor appointment. The very best place for him, and the place where the public would get the benefit of his long training in holding the balance between parties, would be in this chamber. I emphasize this more particularly because I confess I should like to see a more judicial character given to the Senate. I should like to see a class of men here, who having administered the affairs of conflicting parties, would come here with a proper balance of mind to look at everything on the merits, and in order that we should have an expression of the public, in order that this body should be a representative body of both sides, I am prepared to go as far as the hon. member from Niagara, and to say that it would be decidedly advantageous if this Government, a strong government, that has held power now for a good many years—and I hope they may continue to enjoy it and justify it by their actions for many years to come—that such a government should have it in their power to appoint even some of their own political opponents. In other words, that they should take the best men of the country, irrespective of party politics. I dare say I will be told it is all very well in theory, but it cannot be done in practice. I will say to my hon. friends on the Treasury Benches that when the Premier of England desires to call a man conspicuous in letters

to the House of Lords, he does not ask him what his politics are. When he appoints anyone to the Bench with the exception of the Lord High Chancellor, does he ask his politics? No, and in that respect the same course has been well followed by the right hon. gentleman who administers the affairs of this country, because in several cases he has appointed men irrespective of their party politics to the Bench. I should like to see the same principle carried out and applied to the Senate of Canada.

AN HON. GENTLEMAN—And in the case of knighthoods.

HON. MR. DICKEY—The English Prime Minister would consider himself insulted if a man should go to him and say, "I should like to be made a knight, or this or that because I belong to your party." There is no such thing heard of. An honor conferred is an honor indeed, and it is an honor conferred irrespective of party politics. Now, hon. gentlemen, I have stated, with all respect to the Government, the views that I entertain upon that subject, and I can only say that if the Government would appoint the best men irrespective of politics, we should then have a body that would look at questions irrespective of party. The right hon. gentleman in that way would elevate the character of this, the highest deliberative assembly in the land, and make it truly the Upper House of the Parliament of the Dominion.

HON. MR. McCLELAN moved the adjournment of the debate.

The motion was agreed to.

ALBERTA & ATHABASCA RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (73) "An Act to incorporate the Alberta & Athabasca Railway Company." He said: This is simply a Bill for the incorporation of a company for the construction of a railway from some point on the Bow River, or the Canadian Pacific Railway, at or between Calgary and Crowfoot creek, northerly to a point on the Athabasca river, crossing the North Saskatchewan near to the town plot of Edmonton. It is just the ordinary bill of incorporation for a railway, and contains no unusual privileges, and of course it will be referred for the careful consideration of the Committee on Railways.

The motion was agreed to and the Bill was read the second time.

THE SIXTH REPORT OF THE PRINTING COMMITTEE.

REPORT AGREED TO.

HON. MR. READ moved the adoption of the sixth Report of the Joint Committee on the Printing of Parliament. He said: There is a recommendation in the report for a small increase to a member of the staff, which has been concurred in by the House of Commons.

The motion was agreed to and the report was adopted.

HAMILTON, GUELPH & BUFFALO RAILWAY CO'S BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (77), "An Act to incorporate the Hamilton, Guelph & Buffalo Railway Co." He said: This is a Bill to incorporate a company to construct a railway from the city of Hamilton, to connect with the railway of the Ontario and Quebec Railway Company at some point thereon, at or near Schaw Station thereon, or between Schaw and the town of Galt, with power to extend the same across the said Ontario and Quebec Railway to some point within the city of Guelph, and in a south-easterly direction from the city o Hamilton to some point on the Niagara River at or near Fort Erie, or between Fort Erie and the town of Clifton. It is said to be an important undertaking for the benefit of the city of Hamilton and the locality connected with it. I know nearly all of the gentlemen who are named here as incorporators, and I may say that they are amongst the first people in the

city of Hamilton. I have perfect confidence that it is a *bona fide* undertaking.

The motion was agreed to and the Bill was read the second time.

C.P.R. EMPLOYES' ASSOCIATION BILL.

SECOND READING.

HON. MR. SCOTT moved the second reading of Bill (75) "An Act to incorporate the Canadian Pacific Railway Employes' Relief Association." He said: This is a Bill asked for by the employes of the Canadian Pacific Railway Co., who desire to establish an association for the purpose of providing for the superannuation of the employes of the company, and also for a provident fund to extend relief in cases of sickness, injury, old age, accident or death.

The motion was agreed to and the Bill was read the second time.

THE HURON & ONTARIO SHIP CANAL COMPANY'S BILL.

SECOND READING.

HON. MR. GOWAN moved the 2nd reading of Bill (69), "An Act respecting the Huron & Ontario Ship Canal Company." He said: Some thirty years ago a gentleman named Capreol, a man of very bold and original conceptions, conceived the idea that a ship canal could be built connecting the waters of Lake Ontario with Lake Huron. After some time—I think it was in 1860, after having some preliminary surveys made—he succeeded in obtaining, under sanction of very prominent men of the country, a Bill for the incorporation of a company for that purpose, and several men occupying very high positions were named as directors—amongst them my hon. friend from Midland. Mr. Capreol has been working at his scheme ever since, and has succeeded in obtaining from various corporations in the country considerable sums of money which he has expended in making surveys and explorations, and notwithstanding the progress of railway enterprise, he still retains perfect faith in his undertaking. He has made a sort of hobby of this scheme. The object of this Bill is simply to extend the time for completing the undertaking.

HON. MR. PLUMB—For how long?

HON. MR. GOWAN—For ten years.

HON. MR. PLUMB—How long has it been going on now?

HON. MR. GOWAN—This Bill has already passed through the House of Commons, where it was received with considerable favor, and where that House took the rather unusual course, I think, of remitting the fees. It cannot serve any bad purpose to extend the existence of the charter, and it should be retained on the statute book for the reasons I have given, as well for the reason that its promoter is urging it mainly in the interests of the public at large; and now, in his declining years it would almost kill him I think if this charter was wiped out of existence.

HON. MR. POWER—It is not customary to oppose a private Bill at the second reading, but I rise for the purpose of asking my hon. friend who introduced this measure whether it is proposed by the promoters to ask the Government for a subsidy for this work, because if so I shall oppose it.

HON. MR. GOWAN—In reply to my hon. friend I am happy to be informed by Col. Tyrwhitt who is now in the North-West with his troops, and who had charge of this measure in the Commons, that they do not expect to receive any subsidy from the Government, and I certainly would not approve of any such application.

HON. MR. PLUMB—Does the hon. gentleman propose to take any stock in the company?

HON. MR. GOWAN—I cannot say that I have any great faith in the project myself, but many distinguished men have. The hon. gentleman may laugh at the undertaking, and perhaps sneer at it; but I can tell him that men fewer in number than those who have favored this measure,

have accomplished wonders. I ask him to look at Prince Edward Island with its population of 110,000, and see the railway they have built simply because they are an educated, enterprising and energetic people ! Let him look at their school system, which even Upper Canada with its boasted school system cannot equal to-day ! Let him look at the men that that province has turned out, and my hon. friend will see that men of energy and determination will accomplish many a project that to others may seem impracticable. I may say that I have not much faith in this scheme, but I know men who are familiar with the subject who have faith in it, and they simply ask that this charter, which has existed for so many years, should be extended for ten years more, and I do not see why there should be any objection to it.

HON. MR. PLUMB—I have no doubt that industry, energy and intelligence will accomplish a great many things, but I do not believe it can accomplish what is aimed at by this company, where there is 150 feet of a cutting, and no water to supply it when it is cut; and where it has been condemned by every engineer and every practical man who has examined into it. Mr. Capreol has been advocating this scheme for 40 years, and has never been able to induce any capitalists to take hold of it. I have no objection to the renewal of the charter, but it is only trifling with the House to ask to have it extended, as there is no possibility that the canal will ever be built. If it were built it could not be operated, and when after 30 years nobody has offered to subscribe any money for it, I think it is the best evidence of its impracticability. I have no objection to the Bill going through the second reading, but I do not see that it has the slightest connection with railways of Prince Edward Island, or the school system of that province.

HON. MR. ALEXANDER—I wish to make one remark with regard to the conduct of the hon. member from Niagara.

HON. MR. PLUMB—I call the hon. gentleman to order. My conduct is not a matter of discussion upon the second reading of a bill to extend the charter of the Huron and Ontario Ship Canal Company.

THE SPEAKER—I think the hon. member from Woodstock alluded to the action of the member from Niagara in connection with a Bill which he had a right to speak to.

HON. MR. ALEXANDER—The House will permit me to make one or two observations in regard to this measure. We have had one or two members of this House, especially the hon. gentleman from Niagara, endeavoring to turn this project entirely to ridicule, though that hon. gentleman has been the member of this House who has introduced one or two railway bills, which will be found in the future to be fraught with iniquity.

HON. MR. PLUMB—I call the hon. gentleman to order. He cannot reflect on the conduct of any member of this House, in bringing in legislation. He says I have brought in bills that are fraught with iniquity.

THE SPEAKER—I desire to say, with regard to the remarks that have just now fallen from the hon. member from Woodstock, that it is quite within the range of debate that he should refer to measures introduced by the hon. member from Niagara, but I think it is exceedingly improper to use the offensive language that he has applied to them.

HON. MR. ALEXANDER—Coming from the Peninsula, as I do, and knowing how that Peninsula is covered by a network of railways, the multiplicity of which has been the means of leading a large number of our county, township and town municipalities into endless embarrassments, and finding members of Parliament now introducing measures to multiply those railways, and thus tend to increase the indebtedness and embarrassments of those municipalities, I cannot understand how any hon. gentleman, who really and truly studies the common interests of the country, can be a party to such legislation.

HON. MR. FLINT—I was very well acquainted with Mr. Capreol for over 35 years. I know that this scheme has been

a constant theme with him. He is like my hon. friend here a little on the crank side.

HON. MR. POWER—I rise to a question of order. The hon. gentleman could say nothing more offensive to a member of this House than what he has said.

HON. MR. FLINT—I withdraw the expression. I know that this canal project has been before Parliament for many years; I know that there were committees on it while I was in the House myself, and I know that a great deal has been said about it, and though I have never been over the ground, from the knowledge that I have obtained from gentlemen who are well acquainted with it, I consider that it is an impracticable scheme. As my hon. friend from Niagara says, it is about 150 feet of a cutting, and when that cutting is made there is no water to go through it, and the only way you can make a canal there is by drawing vessels up to the summit level with steam engines and then sliding them down on the other side.

The motion was agreed to and the Bill was read the second time.

CENTRAL PRISON, ONTARIO, BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (P), "An Act to amend an Act respecting 'The Central Prison for the Province of Ontario.'"

HON. MR. PELLETIER, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

ADVANCES TO THE PROVINCES BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (7), "An Act respecting certain Advances to the Provinces."

In the Committee, on the 2nd clause,

HON. MR. POWER—I would like to ask the Minister of Justice what his reason is for adding the proviso to this Bill, "That no such advance shall be made to any Province unless it shall have been previously sanctioned by an Act of the Legislature of that Province?" As I understand the Bill, it applies to other Provinces than British Columbia.

HON. SIR ALEX. CAMPBELL—Yes, it applies to all the Provinces.

HON. MR. POWER—It may lead to very serious inconvenience. I should say, if the Government of a province should happen to need money it would be a very awkward thing that they should be obliged to get the sanction of the Legislature before asking for the advance, because they might not need the money when the Legislature was sitting but might need it afterwards. The Government are responsible to the Legislature, and if they act improperly in getting an advance from the Dominion, they will have to answer to their Legislature. It seems to me to be a somewhat unreasonable provision.

HON. MR. KAULBACH—I think it is a very reasonable and safe provision for both governments. The local Government should not get money from the Dominion Treasury without first having the authority of the Legislature to ask for it, and it seems to me it is simply advanced out of what comes to each of the provinces each year—it is simply a payment in advance.

HON. SIR ALEX. CAMPBELL.—It is confined to advances.

HON. MR. KAULBACH—It is confined to advances on what each province gets annually.

HON. MR. POWER—I think my hon. friend is mistaken.

HON. SIR ALEX. CAMPBELL—I think my hon. friend from Halifax will be satisfied with the explanation that the measure deals only with the advances, not with anything to which the province is entitled, but deals with advances which

they request as a favor. Then it is thought it would be far better for the province itself as well as for the Dominion, that the request for the advance should come from the Legislature as well as from the Provincial Government. Instances have occurred within the last two or three years in which it was desirable that this provision should be made. I can suggest a case which will illustrate this completely. Supposing a Government in a province are on the point of being defeated, and that they come here when they know that they are about to be defeated, and ask for an advance; it might be that they might exhaust those funds which ought not to be dealt with by them, but which ought to remain at the disposal of the incoming government. That would be a very awkward state of things, and one which might entail serious injury on the province which was for the moment represented by the moribund government that obtained the advance of the subsidy. Supposing the Government of the province, and the Government here, were in political sympathy, and just upon the approaching death of the local Government they sent a deputation here to ask for an advance of $50,000 or $60,000 on their subsidy, and the Government here being in political sympathy with them, say "yes, we will advance it to you." The local Government get the money, they go back and expend it, and are obliged to go out of office; the new Government, when they come into office, find that they are surrounded with difficulty at the outset by the fact that their resources have been dissipated, and the object of this proviso is to meet a case of that kind.

HON. MR. POWER—I would have no difficulty in voting for the measure if it were a Bill for the purpose mentioned by the hon. gentleman—to prevent a moribund Government from anticipating a subsidy which was payable further on. It is clear that the Bill refers not to a subsidy but to a capital amount which is at the credit of the province at Ottawa.

HON. SIR ALEX. CAMPBELL—It is the same thing.

HON. MR. POWER—I beg the Minister's pardon, it is not the same. I have not much objection to the measure; only if it happens to be directed at any particular province which has been sinning—

HON. SIR ALEX. CAMPBELL—No, it is not.

HON. MR. POWER—If it is merely directed against the province of Nova Scotia, I should object to it.

HON. MR. KAULBACH—I think it is a wise provision to guard the interests of the provinces.

The clause was adopted.

HON. MR. ODELL, from the committee, reported the Bill without amendment and it was then read the third time and passed.

The Senate then adjourned at 5:30 p.m.

THE SENATE.

Ottawa, Monday, April 20th, 1885.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

CANADA TEMPERANCE ACT.

A PETITION PRESENTED.

HON. MR. HAYTHORNE—I beg to present a petition signed by over five thousand electors of Prince Edward Island, praying for legislation to give each province power to vote for the adoption of a prohibitory liquor law. I may say that the first signature attached to this petition is that of the Bishop of Charlottetown, Bishop McIntyre; the second is the signature of the Lientenant-Governor, and then follow many members of the Local Government and the Local Parliament, and the remainder is made up of voters from different parts of the Island. The correspondence I have had connected with this petition—the largest I think presented to this House for several years past—explains that a still larger number of names could have been attached to it

had more time been permitted, the whole province not having been canvassed.

The petition was received.

PETITION READ.

HON. MR. ALMON—Owing to my imperfect sight towards evening, when I presented the petition from John Tobin and other liquor dealers of Halifax, praying for the appointment of a commission to inquire into the operation of the Canada Temperance Act, I was not able to read it properly. I move that it be now read at length at the table, and entered in the minutes of the proceedings of the Senate.

HON. SIR ALEX. CAMPBELL—It has been read this moment, but not at length.

HON. MR. ALMON—I wish to have it read at length and entered on the minutes.

HON. SIR ALEX. CAMPBELL—It is very unusual to enter a petition upon the minutes, and it cannot possibly have any effect. I hope my hon. friend will not press that part of his motion. The petition can be read at length, but I do not know of any case in which a petition has been entered at length on the minutes of proceedings.

HON. MR. ALMON—Then I move that it be read at length at the table.

The motion was agreed to, and the petition was read at length by the Assistant Clerk, as follows:

The undersigned wholesale wine and spirit merchants, dealers and agents, beg respectfully to memoralize your honorable body as follows:

1. The institutions with which your memorialists are connected have large interests in property situated in counties in which the Canada Temperance Act, commonly known as the "Scott Act," has been passed. Banks hold promissory notes and other commercial paper, against persons whose ability to pay is greatly diminished, and in some instances entirely destroyed, by the passage of the Act, and the consequent stoppage of their business; Loan Companies have advanced moneys on hotel property, and the value of their securities has been seriously reduced by the passage of the Act.

2. Your memoralists are informed that so far from the expectations entertained by the advocates of the Act, of beneficial effects of a moral nature having been realized, the quantities of ardent spirits sent into counties where the Act is in force, and consumed therein, have been greatly increased, but your memoralists are not themselves in possession of sufficient official information to enable them to vouch for the correctness of this statement. They are of the opinion however that proper and effective steps should be taken to have an exhaustive enquiry made by the Government, in order that if it be found that the serious injuries to business interests of which they complain are not counterbalanced by some corresponding public benefit, a remedy may be applied.

Your memoralists pray:

That a commission be appointed to make full and exhaustive inquiries as to the actual working of the Act; that it be an instruction to this commission to examine the books of wholesale and other dealers, with a view to ascertaining what quantities and kinds of liquors they have sold to residents of counties in which the Act is in force, before and since its passage, and also the quantities and kinds sold during the same period to residents of counties where the Act is not in force, and to examine such dealers and any and all persons who may be able to give information as to the working of the Act, it being provided that none of the evidence taken before the commission shall be used against any witness or at any trial for infractions of the Act; said commission should have power to take evidence on oath and should be instructed to proceed without delay and to report the result of its inquiries as early as possible.

(*b.*) Until the report of this commission is submitted, your memorialists believe that the Act should be suspended, and that within a reasonable time after the report is made and the evidence is published, a vote should be taken on the Act in all counties and cities where it has been either passed or rejected, in order that the electors shall have an opportunity of pronouncing upon it after being put in possession of reliable information.

(*c.*) That when the Act is in future passed, or wherever it is sustained after the vote asked for in paragraph (*b*) is taken, all who suffer loss in the value of property or goods, all who had rented property, the rental of which has been fixed on the supposition that the house should be licensed, or who in any way suffer actual loss owing to the passage of the Act, shall be compensated for such loss by the Government, and by the county or city in which the Act is passed.

(*d.*) That the loss referred to in the preceding paragraph shall as far as possible be determined by a competent court or tribunal before the Act is voted upon in order that the electors may fully understand the effect of the measure.

(*e.*) That a reasonable time should be given those engaged in the liquor trade to dispose of

their stocks and change their business without serious loss.

Your memorialists would respectfully pray that the foregoing representations and requests may have the early and earnest consideration of Parliament, and that they may be given legislative effect as early as possible.

THE ESTATE OF THE BANK OF UPPER CANADA.

THE SPEAKER'S RULING.

THE SPEAKER said: Before calling the motions on the paper, I desire to give my decision on the question of order raised by the hon. member from Amherst, on Friday, last in relation to the motion of the hon. member from Woodstock, which motion is as follows:—

"That the memorandum respecting the Estate of the Bank of Upper Canada, be referred to a Committee of this House for the purpose of enquiring into, and reporting upon the same, with power to send for persons, papers and records, the said Committee to consist of Messieurs:"

The question of order raised by the hon. Senator from Amherst is, that the subject of the said motion has already been considered and disposed of by the Senate on a similar motion of the Senator from Woodstock, on the 24th of February last, and that it cannot therefore be again entertained by the House during the present session. The motion of the 24th February is in these words:—

"That a committee be appointed to enquire into and report, from time to time, to the House, the value of the remaining assets of the bank of Upper Canada still uncollected, with particulars of the settlement with debtors of the bank, since its failure; also the balance now due by the bank to the country, with power to send for persons, papers and records, the said committee to consist of Messieurs."

This motion the Senate negatived by a vote of 49 to 1, the motion having been put to the House without a seconder.

In the first place, with reference to the rule contended for by the Senator from Amherst, that when a question has been once considered and disposed of, the House will not agree to its renewal in the same session, I think that the authorities cited by that hon. member clearly uphold his contention. The old rule of Parliament, the obvious wisdom of which I need not comment on, is "that a question being once made, and carried in the affirmative or negative, cannot be questioned again, but must stand as a judgment of the House." This rule has never been abrogated or changed in any way, and all the authorities say, "that no question or motion can regularly be offered, if it is substantially the same with one on which the judgment of the House has already been expressed during the current session." (Bourinot, p. 339.)

The Senator from Woodstock, while not denying that the two motions just read are substantially the same, contends that in conformity with the practice of the Imperial House of Commons, they may both be considered by this House. The hon. Senator quoted from the journals of the English House of Commons for the year 1845, several entries in the said journals, when, as he contended, the same question was brought several times before that House. These precedents all refer to the celebrated "Post Office Case" of that year, and are to be found at pages 42-54-185-199 and 214. I have carefully looked into all these precedents, and find they do not sustain the position of the Senator from Woodstock, or militate, in the slightest degree, against the rule to which I have just referred. The quotations from pages 42 and 54 merely show that a motion relating to certain alleged irregularities in the Post Office was made on one day, adjourned to the following day, and then by leave of the House withdrawn, no decision being arrived at by the House respecting it. At page 185, I find that a motion of censure was moved against the Government in regard to the said irregularities, which passed in the negative. This was the first occasion on which the House considered the subject, and disposed of it by a division, in the shape of a vote of want of confidence. On the 4th of April following, page 199, on motion that the Speaker do now leave the Chair, an amendment was moved for an Address to the Queen asking that certain warrants sent to the Postmaster-General by the Secretary of State should be laid on the table of the House, on which a division was recorded in favor of the main motion. But these two last motions were, I think, essentially different in character. One was a direct vote of censure on the Government; the other simply

asked for the production of papers—they were certainly not substantially the same. I now come to the last case cited by the hon. member. On the 8th of April following, a motion was made "that leave be given to bring in a bill to secure the inviolability of letters passing through the Post Office," but this citation can have no bearing whatever on the point I am now dealing with, unless it can be shown that another Bill relating to the same subject had also been considered in the same session, or that the principle involved in it had in some other way been considered and disposed of, which, of course, was not the case.

The rule being, therefore, clear in support of the contention of the hon. Senator from Amherst, that no question can be again considered in the same session after having been once disposed of, I have, in the second place, to inquire, is the motion of the hon. Senator from Woodstock, now before the House, substantially the same as the one made by him on the 24th of February last? In doing so, I pass over for the present the hon. member's own admissions on this point, and ask what were the aim and scope of his first motion? Clearly, to obtain a committee of this House to investigate and report on the affairs of the Bank of Upper Canada. And is not the present motion substantially a similar motion, with a similar scope and purpose? I certainly think it is. I consider this construction of the character and object of the two motions too self-evident to require to be supported by any of the numerous authorities on construction I could quote for that purpose. The investigation asked for on the 24th of February, after full debate and consideration by the House, was refused in a manner rare in parliamentary proceedings. The decision on that occasion was so unanimous and emphatic, that it is hard to look upon the present motion in any other light than as a contempt—I trust an unintentional contempt—of the previous judgment of the Senate.

But the Senator from Woodstock has himself left the House in no doubt as to the purpose he has in view in the motion now on our minutes. Not only does he not deny, but admits that his two motions relate to the same subject, and that the object of the last was also the object of the first. If anything, however, were required to be added to these admissions, it is amply supplied in the fact that all the authorities quoted by the Senator from Woodstock were cited to establish his right to bring a subject, which the Senate had already considered and disposed of, again before the House in the same session; the character of his argument, as well as his direct admissions, conceding the substantial sameness of his two motions.

My opinion is, that the objections of the hon. Senator from Amherst were well taken, and that the motion of the hon. Senator from Woodstock is not in order.

HON. MR. ALEXANDER.—I bow to the decision of the Chair, and I only claim permission to observe, that I will take occasion, which I have a perfect right to do, as a member of Parliament, of laying before the public through the press of the country, the remarks which I had intended to have addressed to this hon. House on this subject.

HON. MR. BOTSFORD.—It affords me great pleasure to record my satisfaction at the decision of His Honor the Speaker. I was very much pleased with the clear and able manner in which he gave his opinion, and I must say, that after a very long experience in Parliamentary life, I think His Honor the Speaker could have arrived at no other conclusion.

YORK STATION, PRINCE EDWARD ISLAND RAILWAY.

MOTION.

HON. MR. HAYTHORNE moved—

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House copies of all memorials, letters or telegrams, addressed to the Railway Department, respecting the establishment of the York Station on the Prince Edward Island Railway, and the answers thereto; also copies of any memorials, letters or telegrams, which may have been received by that Department having reference to the abolition of the said station, and the replies, if any, made thereto.

He said:—I perhaps ought to offer some apology to the House for troubling them upon a matter which refers to the

affairs of part of my province, having recently called attention to the same question; but having been, I think, rather misunderstood on the former occasion, I shall endeavor to make the case a little clearer to-day. We have not long since been reminded as to what is the duty of Senators as regards the interests of their provinces, and we are told why the smaller provinces are as fully represented in this Chamber as the larger members of the Confederation; and I therefore appeal to the hon. gentlemen in this House to give me their support on this occasion. I stand here to-day to represent the interests of certain persons in my province, who, I believe, have been aggrieved, and I ask the assistance of other members of the Senate in obtaining for them redress. It will be necessary for me to offer a few remarks upon the construction of the Prince Edward Island Railway, because it differs so very much from any other railway in Canada, it having no through traffic. It had long been the object of the local Legislature to build wharves at every available place in order to carry the traffic of the country seaward at the least possible expense for haulage. This policy had been pursued for years but it was found in the long run to be both exceedingly expensive and unequal to the necessities of the case; consequently, nearly twenty years ago now, the attention of the public was directed to the possibility of building a railway in our country. With that project my hon. friend from Alberton has always been identified, if not as the originator, at all events as one of the promoters. That railway project was ultimately agreed to by the Legislature, and the road was contracted for and commenced, in order to be used by the people of Prince Edward Island as a highway is used. It was not a railway for through traffic. It could not be, in the nature of things, as no through traffic could come there; and the intention of its originators was, that it should serve as a highway on which to carry the produce of the people, and in that view it must be worked and operated in a manner somewhat different to other railways. When that province became united to Canada it never was urged that the railway was not and never was likely to be a paying concern. If it had been so, it was not likely that the province would have asked the Dominion to relieve them of the charge of it. They would certainly have retained it for themselves. They did not do so, and it has not proved a profitable undertaking; and it seems to me to be a strange thing that one particular locality of the province should be punished because the road has not proved remunerative, while other portions of the province have their stations continued in full operation. Now, let me explain to the House how that station came to be established. It was not one of the original stations on the line. It was established, as far as my memory serves me, in 1878; at that time a general election was about to take place, and two gentlemen connected with the party were candidates for the House of Commons. I think the inhabitants of that district appealed to them to procure for them a station in their midst, and those gentlemen very properly engaged to use what influence they possessed with the Government, in order to induce the Department to establish a station there. I am not blaming those gentlemen for doing it. I think they were doing perfectly right. The settlement had a clear right to a station there, and when they claimed that privilege they did what was within their right, and I say that the Department was only doing justice in establishing a station there, because it was evidently needed; but the reasons that have been alleged since then for abolishing the station are certainly insufficient. If it be a reason sufficient that that particular station has not been a remunerative one to the Dominion, certainly, on the same line of argument, many other stations in different parts of the province should be closed on the same ground, and the anxiety of the public I think turns upon this point—that what has happened at York Station may happen at the other stations on the Island, at the caprice or arbitrary will of the Department. I stand here to-day to protest against such a thing, and I say it is an unheard-of exercise of the arbitrary power of the Department to shut up a station upon a line of Government road. I took some pains the other day to impress some facts on the mind of the leader of the Government, and I have no reason to complain that his is not a candid mind, or that he does

not treat all questions I may put to him with all proper respect, but I fear that his mind has been too open to representations of the Department, which are not always correct; he took occasion here to ask what the distance was from that station to Charlottetown, and I said I thought it was about ten miles, meaning by the railway; but the hon. gentleman has come down since with a statement furnished by the Department, in which he says that the reason why the York Station had been unremunerative was that it was only five miles by the highway, whereas it was ten miles by the railway. That statement I knew at once was not correct, because I was familiar with the place. Of course that was no argument to advance to the House, but perhaps this topographical map which I now submit for the consideration of the Minister of Justice may be of some use. By the scale I find that the road is at least seven miles by the highway to Charlottetown, and the difference between that and the railway is only three miles. Hon. gentlemen may see from that map that the vicinity of the station is densely settled. I doubt if there is any part of Ontario where the population is more dense per square mile than in the neighborhood of York Station, and not only is the country in the immediate vicinity of the station a thickly settled one, but northward the settlement extends to the sea shore, and round the shore itself are thriving fisheries. When I have seen fishermen toiling in with heavy loads by the highway I appealed to them and asked why they did not go by the railway? Their reply was that the trains did not pass at hours that were of any convenience to the people; that in fact the trains were run to suit the railway and not to suit the inhabitants. Now I have made my point, which is this, that the statement brought down the other day by the hon. Minister of Justice relative to the distance from York Station to Charlottetown is inaccurate. If he will apply the scale to the map which I have handed him he will find that the road from the station to Marshland P. O. is 2 miles, and from Marshland P. O. to Charlottetown is 5 miles. What I want to place before the hon. gentleman, in order that he may enforce it upon the attention of his colleagues, is this—that whatever the distance is now, it is just the same as it was when York Station was established some five or six years ago at the instance of gentlemen who were then members of Parliament.

If it is an improper place for a station now, it must have been equally so then. I wish further to call the hon. gentleman's attention—because I know that he is a man of just mind and would not willingly be a party to any injustice to persons in the remote locality from which I come—and it is this, that the establishment of a station adds materially to the value of property surrounding it, and that the deposition, if I may use the term, of a station diminishes that value. Now, I say that no Department can be permitted—I cannot permit them, at all events, as long as I hold a seat in this House and have a voice to protest against it—at their arbitrary will to erect and depose stations in that way. I make this appeal, as coming from a small province, and I need scarcely remind the House that my case may be theirs any day. Certainly it is the duty of any Senator to protest against any infringment on the rights and privileges of his constituents. I do hope that the Minister of Justice will make such representations to his colleagues as will induce them to re-open this station.

HON. SIR ALEX. CAMPBELL—There is no objection to the Address. I am not aware of the papers existing, but whatever papers do exist will be brought down. If the facts which I stated before were correctly stated, it strikes me that my hon. friend is somewhat unreasonable. Why should a station be kept up on this railway if, after three or four years experience, there is no business to warrant it? Why should the country be put to the expense of maintaining a station at $400 or $500 expense a year—because there would be a station-master, a porter and expenses of that kind—if after sufficient experience it is found not to be paying? I do not mean to say that the step should be taken rashly or hurriedly, but if, after some years' experience, it is found that there is no business to warrant the Department in maintaining the station, why should the staff be kept up? Would not the Government be exposing itself to just animadversions of extravagance? Finding there was no business to

warrant it, the station, as a booking station, was closed, but people can get on and off the trains there, and ship and receive freight there, and the only thing which has been suggested that is not done and which could be done to put the people of that neighborhood in the same position as the people on other parts of the line, is that they should be allowed an opportunity to buy return tickets. I have drawn the attention of the Department to that subject, and it seems that something can be done to accomplish that object without re-opening the station as a booking station, and facilities will be afforded for purchasing return tickets. With regard to the distance, I was informed that it was five miles by the common road; that was the information I received from the officers of the Department. However, the hon. gentleman says it is seven miles. Nevertheless, farmers will not drive to the station, unload and ship their freight by train to Charlottetown, and employ teams there to carry their freight to the market. It seems to me that they would prefer going the seven miles in their waggons and driving to the market and selling their produce there. That is what I think is reasonable. I do not desire to pronounce in any dogmatic way on the subject, but I can assure my hon. friend that whatever can be done reasonably will be done, and I will take care that the subject is properly represented to the Department.

The motion was agreed to.

DRY DOCKS CONSTRUCTION BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (108), "An Act to amend the Act 45 Vic., cap. 17, to encourage the construction of dry docks."

In the Committee, on the 1st clause,

HON. SIR ALEX. CAMPBELL—This is a Bill simply to introduce the words "City of Halifax" into the Act. As it is now, it is only an ordinary corporation, which can take the first place in the construction of a dock, and obtain Government aid, and it is proposed that the words "City of Halifax" shall be added.

HON. MR. BELLEROSE, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

TEMPERANCE ACT AND LIQUOR LICENSE ACT AMENDMENT BILL.

SECOND READING POSTPONED.

HON. MR. VIDAL moved the second reading of Bill (92) "An Act to further amend the Canada Temperance Act, 1878, and the Liquor License Act, 1883." He said: The Bill to which I now invite your attention is a very simple one.

HON. MR. DICKEY—I should like to call attention to the fact that the Bill has not been printed or distributed.

HON. MR. VIDAL—It certainly is printed, and it has been on my desk for several days.

HON. MR. DICKEY—I have not been able to get a printed copy, and there are several gentlemen in the same position—it has just now been put into my hands. It relates to an important matter which is likely to create discussion, and I hope my hon. friend, under the circumstances, will allow it to stand for at least two or three days, so that we will have an opportunity of considering the measure carefully. Unfortunately we have the prospect of having plenty of time before us to consider and discuss the question.

HON. MR. VIDAL—I have every disposition to meet the wishes of the hon. member from Amherst, but I do not understand why such a length of time should be necessary. It is a very short Bill, and there is not a single important clause in it; it does not require five minutes consideration. I feel it my duty not to take it up now, since the request has been made to postpone the second reading, but I do not think the postponement need be longer than till to-morrow. I am perfectly satisfied that my hon. friend can be quite master of the Bill in ten minutes. Would it suit the hon. gentle-

man to postpone the second reading until to-morrow?

HON. MR. DICKEY—I have placed my views before my hon. friend, and I do not wish to interfere with him unnecessarily, but I should like to have the second reading postponed until Wednesday.

HON. MR. VIDAL—I yield. I move that the order of the day be now discharged, and that the second reading of the Bill be fixed for Wednesday next.

HON. MR. FLINT—I have been quite surprised to learn that a number of Senators have not seen the Bill. I received it on Friday, and supposed that it was distributed to everyone. This morning I learned that quite a number of Senators had not seen it, and therefore I think it is just as well that the second reading be postponed for a couple of days.

HON. MR. ALMON—As this is the only time on which I am able to agree with the hon. member from Sarnia, I wish to say that I have had the Bill in my possession for two or three days, and I think it might as well be taken up and discussed to-day.

The motion was agreed to, and the second reading of the Bill was fixed for Wednesday next.

PRESERVATION OF THE PEACE, PUBLIC WORKS, BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (O) "An Act further to amend an Act for the Better Preservation of the Peace in the vicinity of Public Works, and the Acts in amendment thereof."

In the Committee, on the 5th clause, which was as follows:—

On the trial of any proceeding, matter or question under this Act, or under the Acts hereby amended, the person opposing or defending, and the wife or husband of such person, shall be competent and compellable to give evidence.

HON. MR. POWER—I presume the Minister, in view of the course taken in the case of another Bill recently, will have no objection to striking the word "compellable" out of that 5th clause.

HON. SIR ALEX. CAMPBELL—I do not care whether it is left out or not.

HON. MR. KAULBACH—I think that word should be omitted.

HON. SIR ALEX. CAMPBELL—I move that the word "compellable" be struck out of the 5th clause. That will make the legislation consistent, at all events.

The motion was agreed to, and the clause as amended was adopted.

HON. MR. ODELL, from the Committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time and passed.

LEGISLATION IN THE SENATE.

THE DEBATE CONTINUED.

The order of the day having been called for, resuming debate on the Hon. Mr. Plumb's motion, viz:—

"That he will call attention to the desirability of encouraging the initiation of Private Bills in this House, with a view to the more equal division of the labors of the two branches in the earlier period of the session, and that he will also enquire of the Government if it be not deemed advisable to originate in this House as many measures as the law and usage of Parliament will permit in order that this House may more adequately fill its place in the Constitution."

HON. MR. McCLELAN said: When I rose the other day to make one or two observations on the subject which has occupied the attention of this Chamber on the motion of the hon. member from Niagara, I did not intend to make any extended remarks, nor shall I do so to-day. I have listened to three or four very excellent speeches that have been made upon this, to us, all-important question. The first address, that by the hon. gentleman from Niagara, was a speech with much of which every one in this Chamber

will be in full accord. The hon. gentleman ventured, amongst other things, to describe the particularly high qualifications which gentlemen of all classes who occupy seats in this Chamber possess for legislative work. He enumerated the numbers of us who were engaged in the different avocations of life; he mentioned a number who had served long periods in other legislatures, and perhaps in provincial cabinets. He referred to many whose conduct had been frequently endorsed by the votes of the people, and he might have gone on to say that those who were not so endorsed, and who came in free from any party entanglement, or such entanglements as are frequently connected with political elections, and though not perhaps so experienced in political contests, might be supposed to take a calmer, more independent or non-partisan view of public questions, and therefore it was not altogether without advantage that gentlemen were selected to fill this important position who had not previously occupied any important political trust, or had not, on any occasion, been endorsed by the popular vote. But while the hon. gentleman spoke in our praise—while he was congratulatory in speaking of the different members of this honorable body, and in that way I am sure not including himself, it would only be proper that other gentlemen should endeavor to respond and congratulate this Chamber on the accession to it of one who is eminent, besides his other qualities, for that kind of ability certainly which enables him to express himself so fluently upon every and upon any occasion, as the hon. gentleman from Niagara. However, mutual admiration is very much like self-praise, and is not always the best recommendation. The press, on both sides of politics, have frequently given the Senate rather a bad name, and some years ago reference was made, as has been alluded to by my hon. friend from Amherst, in the other branch of the Legislature, to the position of this body; but latterly we have had no expression there derogatory to the Senate. As the hon. gentleman from Amherst has said, it has never been considered to be the most dignified way to treat newspaper articles, or those references which are more or less of a casual nature, with any great degree of consideration, and therefore this hon. body had generally been disposed to allow such things to pass with silence. However, the motion of the hon. member from Niagara, and the able speech which followed it, must have taken a great many hon. gentlemen by surprise, coming as it did from one who entertained so high an opinion of this hon. body in which he is placed—as one would no suppose that, Brutus like, he would inflict anything like a stab on the character and standing of this hon. body. He has stated, in substance, in the speech which followed his motion, that this body has not come up to the expectations of the country, that in some respects it is lacking in its discharge of its senatorial function in a remarkable degree.

HON. MR. PLUMB—I think the hon. gentleman is mistaken as to what I said.

HON. MR. McCLELAN—I took it as a practical admission on the part of the hon. gentleman, that this House does not fill the position which, in the opinion of the hon. gentleman from Niagara, it ought to hold. Therefore he has opened the whole question, and naturally and necessarily almost, from the lengthened remarks which followed this proposition, it becomes a matter of duty with other gentlemen, who hold other opinions and tendencies, that they should follow and make some observations as to the conclusion he came to in discussing this question. The hon. gentleman from Niagara did not confine himself to the main substance of his motion; he brought forward, and allowed himself to treat generally of the origin and intentions of Upper Chambers, and how far this particular body had gone towards occupying the position that it should hold. Some of the references made would scarcely, in my humble judgment, bear out the conclusion which that hon. gentleman, and perhaps the hon. gentleman who spoke recently upon it, came to. The hon. member from Niagara, in discussing the resolution, quoted from a speech delivered by the Right Hon. Sir John Macdonald, I think at the inauguration, or previous to the inauguration of Confederation, upon this question, and among other things, he reported him as saying that:

"No Ministry can in future do what they have done in Canada before—they cannot, with the view of carrying any measure or strengthening the party, attempt to overrule the independent opinion of the Upper House, by filling it with a number of its partizans and political supporters."

Again he quotes—

"There would be no use of an Upper House if it did not exercise, when it thought proper, the right of oposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere Chamber for registering the decrees of the Lower House. It must be an independent House having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch and preventing any hasty or ill-considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people. Even the House of Lords which, as an hereditary body, is far more independent than one appointed for life can be, whenever it ascertains what is the calm, deliberate will of the people of England, it yields, and never in modern times has there been, in fact or act, an attempt to overrule the decision of that House by the appointment of new peers, excepting perhaps once in the reign of Queen Anne. It is true that in 1832 such an increase was threatened in consequence of the reiterated refusal of the House of Peers to pass the Reform Bill.

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"To the Upper House is to be confided the protection of sectional interests; therefore is it that three great commissions are there equally represented, for the purpose of defending such interests against the combination of majorities in the Assembly."

The hon. member from Niagara, after quoting this speech and another one by the late lamented Hon. George Brown on the same question, proceeded to argue that none of those conditions which up to that time had existed, and which led to this change, they were sure could ever take place with regard to the Senate, and that the Senate would maintain strictly that independence of character which should characterize a nominative Upper Chamber. In the few remarks I propose to make I do not intend to take issue materially with the arguments which have been made use of, or to express any particular opinion of my own; but there were some references to certain bills and certain proceedings in this Chamber which, perhaps, some hon. gentlemen might view differently from the way the hon. gentleman from Niagara and the hon. gentleman from Amherst seemed to look at them in the remarks which they made the other day. In discussing the proceedings of the Senate with a view of showing the independence which characterizes this hon. body, they referred to some four or five measures which had been rejected by the Senate as an evidence, as I understood them, that the action of this hon. House was not partizan, and that the majorities in those cases were not actuated by any partizan motives, and I do not, of course, presume to say positively that they were. One of the bills—I think the first one to which allusion was made—was a Bill which came from the House of Commons during the time of the Mackenzie administration, which provided for the readjustment of the South Huron constituency, and credit was taken by the hon. gentleman for the defeat of that measure; that it was a proper thing, showing independence of character, as the measure had not been petitioned for. I do not suppose that any hon. gentleman will contend that there is much argument in the latter observation, for a great many measures of a similar character, and perhaps of greater importance, have frequently passed through both chambers without any petition being directly presented from the people; but the Bill to reconstruct the constituency of South Huron, as near as I can remember, was merely the restoration to a state of things very similar to that which previously existed.

The real evil, if there were an evil, had been committed before that by the previous Legislature. That particular riding had been changed in it formation and changed in its characteristics, and this Bill came before the House of Commons with a view of readjusting or restoring the condition of things, or as nearly as possible the condition of things that previous to that time had existed. That is my memory of the affair, but I am unable to turn to the debates although I think it will be borne out by the facts on investigation. It was not an introduction of a plan to readjust the constituency *de novo*; it was merely a restoration to the original state of things in that riding. That being the case, it appears to me it was a reasonable proposition to submit to this Chamber, and ordinarily the country might expect that Parliament, having taken in hand to

correct the evil, that this Chamber would have concurred in that Bill. I am not complaining of the action of the Senate. Of course hon. gentlemen will see things differently in all those cases, but it is a little remarkable that that particular event should be quoted as having a bearing on, or being an illustration of, those virtues which this honorable and august body is supposed to be possessed of. A few years later a Bill, not to gerrymander one constituency, or rather an attempt to restore one to its original position, but a Bill which really affected the bounds and condition of 55 or 60 constituencies in the province of Ontario, many of which were thereby very much more mutilated than this one to which a reference has been made—

HON. SIR DAVID MACPHERSON —It was a general re-adjustment of the constituencies.

HON. MR. McCLELAN—It was a general gerrymander.

HON. SIR DAVID MACPHERSON— It was to provide for four additional members.

HON. MR. McCLELAN—Yes, the one was a very small affair, and the other was a very large one—it was straining at a gnat and swallowing a camel. If petitions are to be considered as necessary to show that the people asked for such legislation, where were the petitions respecting that measure? Measures of that kind are often introduced, too, at a period when members become wearied of their public duties after months of debate, and when they do not feel like spending their energies in useless efforts to defeat them, and at the close of the session they are inevitably passed without very much consideration and without very much discussion. I at that time remember turning to the debate which took place upon that South Huron Bill, and reading the denunciatory addresses of some hon. gentlemen opposite on that occasion. I did not then remind them of their inconsistency, for I do not speak very often; but looking at these same hon. gentlemen recording their votes on that occasion for a measure which was one hundred fold more aggravated in the direction against which they argued on the South Huron measure, one could not fail to feel astonished. I scarcely expected that it would in this debate be brought forward as an instance of the magnanimity and non-partizan feeling which should actuate, and of course does actuate, this honorable body in dealing with matters of public importance. I will now refer to a Bill which hon. members will remember distinctly—the Esquimalt and Nanaimo Railway Bill. That measure must be remembered by almost every member of this Senate, but perhaps some hon. gentlemen who have come in recently may not be aware of the fact that that Bill or a like measure which provided for the construction of the railway on Vancouver Island, had been the subject of an Order-in-Council by the Conservative Ministry somewhere about the year 1871 or 1872. That question had been taken up by the Conservative party and by the Conservative Government and an Order-in-Council was passed which provided for the railway and the disposition of the land. It was probably just previous to their going out of office. Subsequently we know in the history of the country the province of British Columbia, complaining of delay, and possibly only too willing, some of them, to cause embarrassment to the Government of the day, petitioned the home authorities—at all events they made considerable complaints—that the terms, the insane or almost insane terms, that were made with that province when it was brought into the union, of constructing the Pacific Railway within ten years, &c., were not being carried out according to their expectations. The result was the submission of the affair to the home authorities. The Mackenzie Government were subjected to the award of Lord Carnarvon, which involves the construction of that very road, and to the astonishment of the country, and the astonishment of the representatives from British Columbia, who constituted a portion of the eight members that my hon. friend from Amherst referred to the other day as voting for that measure along with the members of the Government—I say to the astonishment of those gentlemen in this House, and the six hon. gentlemen who represented that important province in the House of Commons, the very same individuals, the very same

party—the Conservative party in this country, supported by the Conservative members of the Senate—rejected that Bill, emanating as it did then from the Government of the day.

HON. MR. KAULBACH—Was not my hon. friend one of the number who voted with the majority on that occasion.

HON. MR. McCLELAN—I can inform the hon. gentleman that I did vote with the majority on that occasion. It may appear strange to the hon. gentleman but I have not surrendered my right of private judgment. I have always made it a point, although certainly having some antecedent political tendencies on great questions, to speak and vote according to my convictions, and I did not believe that the interests of the country required the expenditure of that large amount of money in that province; and therefore, although I was in accordance with the Government at the time, I did not feel that I was bound on that occasion to support every measure that might be presented for my judgment; and therefore on that occasion I happened to vote with the majority. I did not expect I would be in the majority at the time. I am not complaining of it. I think upon that occasion the vote of the majority was a very proper one, and I was very glad indeed on that occasion to find that I was in the majority. But pursuing the history of this Esquimalt and Nanaimo project, at a later period, when the Conservative Government was in power, we find that the opinion of this Chamber suddenly changed again, and on that occasion I might inform my hon. friend from Lunenburg I was not in the majority. I was in the minority then, because I think of the whole three efforts to construct a railway in that country, considering that we were spending $100,000,000 or so to build a railway across the continent—I think of all the measures that were introduced or suggested the last is the worst; because I believe if there is any great object in rushing on this road to unite the two oceans, we ought at least to have in view the occupation and advantage of those very large coal fields of which we have heard so much; but in connection with the last scheme the country wakes up to the discovery that those vast fields of coal are alienated, and not only alienated, but put in the hands of and under the control of a foreign syndicate. Of course I am only speaking of the history of this affair; I am not impugning the motives of hon. gentlemen, or speaking of the impropriety of their having changed their minds, or their votes which, to human understanding and unexplained, seem, however, to be very inconsistent votes. Yet, when hon. gentlemen adduce these instances to prove the very high motives, the non-partizan feeling, the disinterested action which has characterized the legislation in this Senate, it is natural that one should look at these matters in rather a different light from that in which the other hon. gentlemen seem to view them. Now, taking the other point in reference to the speech of the Premier before Confederation, that the Senate would be found particularly useful in protecting the interests of the smaller provinces, and on that account the smaller provinces should have, and did have, a larger representation proportionately. I am not aware that that object, which is certainly a worthy one, and for which the provinces should be extremely thankful, has been as well attained as the country might reasonably expect. Take, for instance, some of those questions that seem to be materially calculated to affect the maritime interests. We all know about the Fishery Award. Those of us coming from the Maritime Provinces—New Brunswick, Nova Scotia and Prince Edward Island—know that the fishermen of those coasts had strong claims for consideration. With respect to that award, therefore, it was natural that the representative men coming from those particular provinces should assert their rights and claim their proportion of the award. That could not be so successfully urged in the House of Commons as it could be in this Chamber for the very reason that Sir John Macdonald properly stated, that when circumstances arose of that character the bond which should be found to exist when any interest of a maritime nature would likely be touched, that this Senate would come in and protect the interests of those provinces. I am not aware that the gentlemen of this Chamber, even on that momentous occasion, were prepared to sink their little disputes and unite for the protection of the fishermen and for what

they claim to be their rights in that matter. That was an occasion on which one would naturally think such a union would take place, but it did not take place. I think there is some recognition of the justice of that claim made by the Government in granting bounties to the fishermen, but it is rather a miserable way of doleing out a pittance as a matter of charity and not as a matter of right. The fishermen are as independent a class of people as there are to be found in this country, and there is no propriety in treating them with less consideration than other classes are treated; and therefore if they have a right to a portion of the award they should claim it as a right and not have a portion given to them in a way that is contrary to every principle of political economy. Then, again, treating of these questions which are well calculated to cement the members of this Chamber who come from the Maritimes Provinces, there was the question of taxation. Taxation, as far as New Brunswick was concerned, we were told was to be limited to so much *per capita*. It was never to exceed a certain rate per cent.; that was fully discussed in New Brunswick. In Nova Scotia, they were brought into the union without an election, and therefore their circumstances might be a little different on that point; but the bearing of it is all the same. When this pledge was made by the leading public men who were in favor of the union, and it came to be shamelessly violated, that was an occasion on which one would suppose that the Senators from the Maritime Provinces would rally for the support of their common interests. This was not done to any great extent. I do remember about the year 1870 when the Bill passed to impose a grievous burden upon the country by a duty on coal, flour, corn meal, rice and salt, we did find in that early stage of our political history that the members from the Maritime Provinces united and did everything they could to prevent it from receiving the endorsation of this Chamber. I remember the argument of the Minister of Justice who introduced the measure, that the Senate was exceeding its powers, exceeding its rightful limit in interfering with the tariff at all, and I remember the eloquent speech of the hon. gentleman who so ably presides as Speaker of the House to-day in favor of that contention—that it was a subject that this Senate should particularly take care of, and it would be derelict in its duties if it failed to resist the House of Commons in inflicting such a terrible blow on the Maritime Provinces. I remember also the hon. gentleman who fills the high position of Minister of the Interior taking the very same position—not only the same position, but stating further that it was the introduction of a system of taxation and protection which would be most fatal to the future interests of any country.

HON. MR. POWER—Hear, hear.

HON. MR. McCLELAN—I remember well the amendment and some of the speeches then made. The members from the Lower Provinces I think very generally—I have their names here—on that occasion supported the interest for which they were particularly delegated, and under the circumstances for which this Chamber was particularly formed, and strenuously resisted the introduction of the protective system. Then again the hon. member from Amherst remembers very well, although it was not in the written constitution, that it was thoroughly understood and agreed upon by the delegates who framed this constitution, that the work of constructing the Baie Verte Canal should be undertaken. This pledge has not been carried ont. Perhaps all the gentlemen from Nova Scotia might not be disposed individually to favor it, but that is one of the things which at all events at the time of the union it was thought would be a boon to which we in the Maritime Provinces were entitled. The work has never been carried out, yet we have had no united expression of sentiment on the failure to redeem that pledge. Now, a good deal has been said by the hon. member from Niagara, and I think other hon. gentlemen, too, with reference to preserving the dignity of the Senate. That seems to be a very important thing in the minds of hon. gentlemen. There are some matters which may be considered trifling, but inasmuch as I am on my feet, I may as well make some reference to them, since I may not have another opportunity of doing so. In the early part of the session we came up here feeling, some of us at all events, that the country

was not as flourishing as the Speech from the Throne would indicate—that the condition of the farming community was not as satisfactory as that Speech would lead us to believe; and in answer to the Speech I felt that a good deal ought to be said in the way of comment, because the country expected it, in the debate on the Address. The hon. gentleman from Ottawa, who is generally recognized as the leader of the Opposition in this Chamber, if it is necessary at all to have parties here, which is doubtful—at all events, as the leader of those who entertain Liberal sentiments in this House. —very properly commented on that subject, He made a long, and as I thought, a very able exposition of his views upon it of a critical character. My hon. friend from Marshfield (Mr. Haythorne) I think followed him, and the hon. member from Delanaudiere (Mr. Bellerose) made what I think was a very good point indeed, in which he explained that while he was gratified to see an ex-governor appointed to a seat in this House, he was not pleased with the manner in which that appointment had been reached, by placing a relative of the hon. gentleman here, during his incumbency of the position of Lieut.-Governor, to preserve the seat for him. Very naturally I expected an answer to these criticisms, but no reply came from the Government. If the intention was to reduce the Senate to a mere political machine—for the Hon. Minister of Justice would not do anything discourteous intentionally—he could not have taken a better course. Here was a Chamber with some 60 or 65 on one side, and there were a few gentlemen on the other side who exercised the privilege, according to old and long-established usage, of criticizing properly and respectfully the terms in which that Address was couched, and I did think that it was a rather anomolous proceeding, that after those speeches were made, no answer came from the hon. gentleman who is the leader of the Government in this House on that occasion; that was a circumstance which, to say the least of it, was of a very unusual character. Then there was another circumstance which I think was not calculated to raise the dignity of this august body very much, or to strengthen our independence of views, or our usefulness individually, in this House, which is this: that after the Government of the day, strong though they are, selected from the members of this hon. Chamber the committees, which it is proper and usual for them to do, a member of this Government should go on a committee and dictate who should be chairman, taking away from the members of that committee all freedom or right to select their chairman, and further to say who shall constitute the sub-committees, where such are required; it is a proceeding which to my mind is very unnecessary. There may be precedents somewhere found for it, but I very greatly doubt it. I think the Government of this country, supported as they are by enormous majorities in both Houses, could well afford to give to the hon. gentlemen composing committees that privilege—could well afford to trust their judgment and give them freedom of action at all events in nominating and electing their own chairman to preside over their deliberations.

HON. MR. PLUMB—Is not that the practice in the House of Commons?

HON. MR. McCLELAN—I am not speaking of the House of Commons.

HON. MR. PLUMB—That is the popular branch.

HON. MR. McCLELAN—There is another matter which is not so important, and perhaps I should not have referred to it, which was discussed with closed doors —I mean interfering with the press, and with the speeches of members. I know it was stated that the action was prompted by leading members of this House. I have never inquired who were the leading members of this House, because I have always felt that if I stood alone here expressing my opinions in a proper way, I should be protected by rule and by usage, as other members of this body. I dissent from the opinion that any number should concert together with a view of taking any particular action that was not authorized by the body in open session or authorized by some usage. Having said these things in reply rather to the observations that emanated from hon. gentlemen who support the resolution of the hon. member from Niagara, I do not wish to say any-

thing further. I trus that the discussion that has grown out of this motion and the inquiry itself, if there be an evil existing, if the country is complaining, if there is obstruction and if the wishes of the people are not sufficiently satisfied—if there is foundation for the criticisms of the press, if it is true as the great organ of the Government of the day has stated that our business is only to register the acts of the House of Commons, or if any of the other statements that we read are correct, I do hope that the inquiry made by the hon. member from Niagara, and the discussions that have grown out of that inquiry, will eventuate in being useful and productive of some good. I rather dissent from the observation made by my hon. friend from Ottawa as to the stability of this institution, that no change can be made affecting present members. I think that circumstances might arise here, as they might have arisen if the House of Lords had not given way to that outburst of popular opinion led by the Premier there, and agreed to a certain compromise; circumstances such as have been intimated by hon. gentlemen in this discussion, in which the popular voice would have to be listened to; even so far as the constitution of a nominative body is concerned, if that nominated body comes to the position, which I hope this may never reach, of unduly interfering with the rights of the people—of slavishly following the dictates of one party. and totally disregarding that independent action which alone can ensure its permanency under the constitution,—there is no security against demands for some radical change.

Hon. Mr. ROBITAILLE—The motion before us commends itself to the earnest consideration of this hon. House; and the learned mover deserves great credit at the hands of not only the Senate, but of the public at large, which will benefit by the change if his suggestions are carried out. The facilities to initiate bills in the Senate in the early part of the session would prevent the accumulation of work, and give more time for the discussion of important measures towards the end of the session. The present mode of performing the legislative duties by introducing almost all measures in the Commons, has furnished the enemies of the Senate a pretext for questioning its usefulness. Towards the end of the session the accumulated work of the House of Commons is often rushed on the Senate, and is apparently performed in a hurry, without due consideration, and it has been said in consequence that Senators are subservient to the Government of the day. However, when you consider that Senators have ample time to read and follow the debates of the House of Commons on every question, and that all bills and motions initiated in the House of Commons are at once placed in the hands of members of this House, you readily understand that the accusation might fall to the ground. However, the consequence of the present system has been that outsiders, and even members of the other House, have suggested different plans to reform the Senate, which may be summed up as follows:

1. Election by the Local Legislatures.
2. Senators to have seats in the House of Commons, with the right to discuss but not to vote.
3. Election by the people.
4. Abolition of Senate, pure and simple.

The two first plans may be dismissed without discussion, as no arguments of any consequence have been offered in their support, and I propose to deal with the two last only.

In questions of government, theories do not amount to much; experience should be our guide. Constitutions that look well on paper, plans of government the most elaborate, admirable in their philosophical conception, do not stand a year; they break down when tested and put in force. I could point out a country where a dozen constitutions have been used up within sixty years, and where the people are still restless and unsatisfied. So, experience must be our guide, and if we look at other countries, our seniors in social and political life, we find that our present system is not very defective after all. Thus the legislative power is exercised by two chambers in England, France, The United States, Austria, Belgium, Denmark, Spain, Hungary, Italy, Norway, Nether lands, Portugal, Roumania, Sweden, Switzerland, Turkey, Baden, Bavaria, Prussia, Saxony, Wurtemburg and several German cities.

The Senate, or Upper House, is elected by the people in the following countries: France, The United States, Belgium, Denmark (except 12 members), Spain (one-half only), Norway, Netherlands, Roumania, Sweden, Switzerland.

It is evident that the countries just referred to have found it necessary to control the Lower House, which is constantly renewed, by a permanent body representing the traditions of the country and far removed from passing and sometimes dangerous influences. A second chamber is the outcome of the wisdom of centuries, and a political as well as a governmental necessity, a protection both for the Crown and the people. Its safeguard and usefulness are found in its independence. Take the House of Lords for example. It has stood for 800 years a bulwark of English liberties; resisting the encroachments of the Crown on the one hand, and of demagogues on the other; and standing up against a venal Parliament notoriously packed by a corrupt government with placemen and pensioners of the Crown. Its constitutional attitude lately on the Franchise Bill has given a fresh proof of its usefulness in bringing to terms a government hurried into hasty reforms by radical pressure. No electoral body could ever have fulfilled the functions which have been performed by the House of Lords, and no body of any kind can ever be found to adequately take its place if it should be swept away.

Without wishing to institute a comparison between this honorable House, and the Lords in England, who can boast of much from ancestors and glory in so many great men, I might be permitted to say that the system of filling vacancies in the Senate here is superior to that existing with regard to the House of Lords. That noble institution has to take nature's choice and chances as the eldest sons are called to replace their fathers. But here the selection is made by the Government from amongst the best men of the country and on their own responsibility, well knowing that if the selection is not a wise one, they will be severely criticized by public opinion. Thus the people are truly represented in the Senate, the nomination being made by the direct representatives of the people, the Ministers of the Crown who are directly responsible to the House of Commons and to the people. Thus the appointment depends upon the people who approve or condemn at the hustings. But being appointed for life, the Senate is more independent and better able to resist undue pressure and to protect minorities. The popular influence is more keenly felt in the Senate than in the Lower House; minorities have more chances to be represented here than in the popular Chamber. Take, for instance, a case in point: the case to which we owe the presence in this House of our young colleague who has just joined us, Mr. Poirier; the Acadians whom he represents here have only one member in the other House, and yet they number over 108,000 scattered in the different counties of the Maritime Provinces. Why is it that they are comparatively more largely represented in this House? Because the French minorities in the different sections of the Maritime Provinces said: Here we are, 108,000; we claim to be represented in the Senate; we have influence, we have a voice in elections, and if you do not listen to our claim it will operate against you. Is this not a case of popular influence in the Senate and of protection to minorities? Could not a similar case be made out of the Irish Catholics in Ontario and other provinces? Could we not trace the cause of the presence of some of our most esteemed and worthy colleagues in the Senate to the popular influence of the Irish element and to the desire of the Government to be agreeable to them and to do justice to an important minority? Suppose now that this House were elective, have you the same chance that the Irish and Acadian minorities would be represented here? I believe not.

In France, since monarchial institutions have been overthrown, the importance of a second chamber has also been recognized even by the present radical element; by people fifty years ahead of the most ultra liberal of this country. Their Senate is elective and composed of 300 members; of these 75 are elected for life by the members of the Senate themselves, and the other 225 are elected, so to say, by the people for nine years—the elections for renewal of one-third taking place every three years.

The 75 members elected by the Senate are in the same position towards the gov-

erning power and the people of France, as this Senate is towards the Crown and the people of this country. On a division they are equivalent to 150—that is one-half of the whole body—and can thus counterbalance the other half of the Senate which is supposed to be elected by the people. But, hon. gentlemen, the 225 members supposed to be elected by the people are not elected directly by the people, but are selected by an electorate composed of—

1. The members of Parliament, the general councillors, councillors of division of the department or colony.

2. Delegates elected by the municipal councillors of the department or colony; and are thus in the same position towards the governing power and the people of France as the members of this Senate are towards the people and the Crown in this country.

This electorate is not responsible to the Government nor to the people, and its duties end with the election. It naturally follows that the Government may exercise their corrupt influence over electorates to bring about the nomination of their favorites and yet shield themselves from responsibility behind these delegates, whilst in this country the advisers of the Crown are responsible to the people who can seek redress by various constitutional means.

Before Confederation, the Legislative Council of Canada was at first nominated by the representative of the Crown in Council, but after years of agitation by the Liberal party the elective system was adopted. A short trial proved the system impracticable—and the British North America Act adopted by both political parties, consecrated the present mode of nominating the Senate.

Therefore one can safely say that the Senate of this country, being selected by the responsible representatives of the people, is the offspring of the people, the true and independent representative of the people—as well as the zealous guardian of the true interests of the Crown. And one may safely say of this Senate a good share of what has been said of the House of Lords on the occasion of Lord Tennyson's appointment to that noble body:—

"The measure of any politician may be taken directly from his attitude towards the House of Lords; the most august, the most peculiar, the most beneficial, the most irreplaceable of the elements of the English constitution. Any fool can make a constitution à la Siéyès ou à la Wallon; any greater fool than he can destroy either. But not the wisest man on earth could replace when it was once destroyed the Great Council of the nation, far more representative than any elected Chamber, far more intelligent than any device of philosophers, to check the representative principle which the practical wisdom of nearly a millenium has accomplished in the House of Lords."

HON. MR. ALMON—I had not intended to address the House on this subject, because, although I consider it instructive, yet I do not think it is calculated to advance the business of the session, and when we reflect that it is nearly three months since we left our homes, and that it is likely we will have to remain here some weeks longer, I think we will be disposed to agree that the less we have of these fruitless discussions the better. The reason I rise now to make a few remarks is that my view of the composition of the Senate is different from that of the majority of this body with whom I have the honor generally to act. I think that the members of the Senate should not be appointed by the Government of the day, but should be elected by the legislatures of the several provinces.

HON. MR. KAULBACH—No! no!

HON. MR. ALMON—I am aware that a majority of my friends entertain a different opinion. The present Government have a large majority in the other House, and, judging from the results of recent elections, they are likely to have a majority in the next Parliament. Hon. gentlemen need not imagine that in their magnanimity they will appoint members of the Opposition to the Senate; they will do nothing of the kind. They could not appoint their opponents with any hope of meeting with the approval of their friends, and the consequence will be that a few years hence, since we are all nearing the grave, with the exception of the senior member for Halifax, there will be no Opposition left here. I am sure that

even if he were the only one left the Opposition would still be heard, but at the same time, although he can talk a good deal on every question, he can only vote once on any of them! I think, therefore, that the Senate should be constituted in this way: when a vacancy takes place—for instance, if the junior member for Halifax should die of old age, I think the Nova Scotia Government should appoint his successor, and so in the case of vacancies occurring in the representation of other provinces. Those are my opinions, heterodox as they may appear to be to my friends in this House.

HON. MR. POWER—I wish to ask the hon. gentleman from Golf Division (Mr. Robitaille) who has favored us with a very admirable effort, for a little further information as to the failure of the elective system. I understood him to say that at the time of Confederation the people here had come to the conclusion that the elective system was a failure and that they should go back to the nominative system. The impression on my mind from conversations with members of this House was quite the reverse; I understood that the gentlemen elected by large divisions were men who made excellent members of this body. I should like to ask the hon. gentleman to explain a little more in detail how the system failed.

HON. MR. ROBITAILLE—I will explain. I understood that it was impracticable. I do not say that the gentlemen who were elected were unworthy of being members of the Upper House, but the system proved impracticable, and you will find the reason why it was impracticable set forth in the speech which was quoted here by the mover of the motion—the speech of the late Hon. George Brown. It was he who particularly pointed out the most striking reasons why the elective system should be abandoned, not that we did not at first get proper men, but that it was next to impossible to get first-class men to undertake such an arduous task as to run an election in large divisions such as there were at that time, and for many other reasons which were given and which have been read here in the course of this debate.

HON. MR. HAYTHORNE—The hon. member from Niagara took in hand what appeared to be, to him at least, a very congenial subject: at all events, he treated it with great ability. It was one which could not fail to attract the interest of every member here. I cannot avoid thinking that members must have felt strangely annoyed because at the commencement of the session, they had so little to do. They came from their homes fresh, strong and ready for work; they sat here for weeks and weeks, and still they had nothing before them. This is not a new cause of complaint; it is something which has prevailed every session for years. At last, having really nothing before them, hon. gentlemen were glad to avail themselves of proposals for more or less lengthy adjournments. I, myself, have always objected to these adjournments, because they seem to indicate a laxity of discipline somewhere. If matters had been properly arranged, work could have been found for members of the Senate which would have brought about debates, useful to the country and interesting to themselves. The hon. member from Niagara addressed himself to the question as to how this state of things could be remedied—how the promoters of bills could be induced to inaugurate them in the Senate instead of the House of Commons. Now, it seems to me that that difficulty might be explained without a very long discussion. It seems to me that there are various reasons why many promoters prefer to introduce their measures in the House of Commons. In the first place, there is, often times, considerable expense attending the introduction of a private bill. Sometimes such a measure is likely to be strongly opposed, and the consequence is, perhaps, that counsel have to be retained and kept here in the Capital for several weeks at great expense; perhaps witnesses have to be brought and examined in support of the bill before parliamentary committees. Under these circumstances, of course, the promoters feel that if they can get their measures safely through the House of Commons there is not much difficulty to be feared in securing their passage through the Senate. I may call the attention of hon. members to incidents which have occurred here on one or two occasions which fairly illustrate the argument I have

advanced. One was the Sub-marine Telegraphs Bill. On that occasion there were present here in Ottawa some of the most distinguished men connected with telegraphic operations. They were here for weeks, and being here, gave their testimony and experience before a committee of the Senate, as they had done before a committee of the House of Commons. Again, we had before us, some two or three years ago, a measure relative to the distribution of the property of certain Presbyterian Churches, and on that occasion a large expense was incurred. That Bill also was introduced in the House of Commons, and was carried through the Senate committee, certainly not without debate, but I can easily understand, and almost every hon. gentleman here will understand, that the promoters of those Bills felt that their principal difficulty was to get their bills through the other Chamber, and that if they succeeded in that, there was very little probability of a failure in the Senate. Notwithstanding these difficulties, there are no doubt many private bills which do not give rise to much opposition, and though the hon. member for Amherst has dilated not a little on the amendments we, too, have made in some of the bills sent to us from the House of Commons, and tells us that those amendments had been almost universally adopted in the other Chamber, yet, as a rule, we know that there is generally very little change made in private bills which come before us. It seems to me the best way to induce the promoters of those bills to initiate them in the Senate is by arrangement between the party leaders. I think if it were made a point that that sort of influence would be exercised by the party leaders—and it is perfectly legitimate—with their supporters to initiate their bills in this House early in the session, it would be a great improvement, and would be a practical way of bringing about the desired change. The hon. gentleman from Niagara, although he made a very good address, did not devote very much of his time to matters strictly connected with the motion he had made. He diverged very easily into general questions connected with the utility of the Senate, with the occupations of its members, with their ages, and with the powers and privileges of senates generally. I noticed a general similarity in the tenor of his speech, and that of the speech which followed from the hon. gentleman from Amherst. It seemed to me that they were like-minded in their addresses upon this great question. Another point which struck me very forcibly was, that they both attach no little importance to the proposal that it is desirable that members from the Opposition, under existing circumstances, should in some way or other find their way into the Senate. I do not know that they go the length of expecting their leaders to appoint them here, although their language would bear that interpretation; but they must know perfectly well that such a plan is practically impossible. In the first place, supposing that some leading men amongst the Opposition would accept a nomination such as those hon. gentlemen suggest, without in any degree abandoning their independence, could they, after accepting appointment from the leader of a party to which they had been opposed all their lives, enter this Chamber and vote against party measures on every occasion just as they would have done if they had occupied a seat in the House of Commons? That is a stretch of the imagination which I can hardly take in myself. Passing over that objection, supposing that we could induce leading men in the Opposition to accept a seat in this body under such conditions, how would it be with the gentlemen who are generally supporters of the party themselves? I should like very much indeed to see an experiment of the kind tried. I should like to hear the remonstrances that would be made by expectant gentlemen who are conscious of having rendered great and useful, and long-continued services to their party, and have looked forward ultimately, as a reward, to occupying a seat in this House—I should like to see how those gentlemen would feel to see members of the Opposition preferred before themselves! Certainly if the Government thought themselves too strong, and that really something was to be gained by reducing the parties more nearly to a level, perhaps it would not be a bad way to do it, and they might have a right to claim something for their liberality and impartiality; but I do not think they would gain much support from their party, if

that was one of their recognized principles of action. I set that completely aside, however, as impracticable, and refer to some of the quotations which my hon. friend made from some speeches of Sir John Macdonald's and of the late Hon. George Brown. It seems to me that the plea on which a nominative Senate was advocated by those gentlemen was this: That by nomination only could a Senate be assembled here that would bear any sort of resemblance to the House of Lords. I cannot see the strength of that plea myself. The House of Lords is a body not to be paralleled in any other country outside of England. Perhaps exception might be made in the case of some of the old European dynasties. I will not pretend to say whether it can or cannot; but this is certain, that the House of Lords has in former times occupied a most distinguished position in the English political world. It was in former times, when there was scarcely a middle class worth mentioning, the protector of the rights of the people; it stood between the Crown and the people of England. The people, at that time, were the neighbors, the retainers, and the dependents of the peerage and of the aristocracy. That led to a state of things which gave the House of Lords, for many centuries, a most important position in England, although that importance gradually diminished by the rising up of new municipal interests, and the increase of wealth and population in the country, and greater facilities for making a living. There was originally little beyond agricultural pursuits in that country. Manufactures subsequently sprang into existence, ship owning sprang up, and with it the population assumed a different character to what they had been a few centuries before. Nevertheless, the House of Lords has, even to the present day, retained very much of that old feeling of respect which it earned for itself centuries ago, when it used to stand between the Crown and the people for the protection of the latter. In such a position as this we could hardly expect the Senate to stand; we are hoping (I change the expression) we did hope once that it would, but we have perhaps ceased to entertain that hope with very great vigor now, though the Senate did once and again stand in the gap to resist legislation which would evidently be injurious—which, at all events, whether injurious or not, was hasty or hastily considered. This House has, on some occasions, interposed and has resisted such legislation, but too often such occasions were not taken advantage of. My hon. friend from Amherst told us precisely on how many occasions the Senate had stood in the gap between the legislation of the other House and its completion. I am not going to refer to all those instances which he gave, but one I will refer to, because I happen to know something myself of it, and to have played a not unimportant part in it. It was on the occasion when a Franchise Bill came up from the House of Commons, and that Bill interfered unjustly with the franchise of the people of Prince Edward Island. A colleague of mine, who has since occupied the position of Lieut.-Governor of Prince Edward Island, but who at that time occupied a seat in the Senate, saw that the franchise of a very large number of the people of Prince Edward Island was in jeopardy. I did not confer with him previously, but I saw the justice of his remarks, and I gave him my support. What did this House do? Leading members observed that "the representatives of both parties from Prince Edward Island agreed in opposing this Bill as being contrary to the interests of the people of their province; surely therefore the Senate ought to amend the measure, and refer it back to the place it came from." Hon. gentlemen did so; the amendments proposed by Mr. Haviland and supported by myself, were accepted, and the Bill was sent back to the Commons. There was no hindrance, no loss of time, the amendments were concurred in by the Commons, and the Bill became law that year, and in that simple act of this branch of the Legislature, the franchise of the people of Prince Edward Island was preserved. Do hon. gentlemen suppose that the people of my province have forgotten that circumstance? On the contrary, it is still fresh in their memories, and I seldom appear on a platform there that the people do not refer to that fact, and express their satisfaction at the attitude that I assumed on that occasion as a member of the Opposition. But I say that the principal merit of it, if merit

there was, is due to my hon. friend the present Lieut.-Governor of Prince Edward Island; it was he who initiated the amendment That was an important matter for that small section of the Dominion, but there have been occasions since I have had a seat in this House, when far more important interests were at stake, and when it was far more essential that the Senate should have interfered to secure delay before the whole Dominion was identified with some vast expenditure of men, money and material—such an occasion, for example, as was afforded by the passage of the Bill for the construction of the Canadian Pacific Railway. If I allude briefly to some of the circumstances which surrounded that measure at the time, I think those circumstances and subsequent events warrant me in so doing. What were those circumstances? We had had two bills on two previous sessions, and they were of totally different character to that which ultimately became law. They involved grants of money and land. One of them had been passed only a short time before. The House was prorogued, and members had gone to their homes only a few weeks when a new scheme was announced. This scheme was carried into effect, and the Legislature was called together late in the year at an unusual period—I think in the month of December—and the Bill was submitted to Parliament to confirm that arrangement and carried; I think that was an occasion when this House might very properly have said that this measure was very imperfectly known to the population of the Dominion, and the Senate should have interposed its privileges to arrest for a time the progress of that measure. It might have been arrested for a single session, until opportunity for its discussion in the press and on the platform throughout the Dominion, had taken place and until the people had been afforded an opportunity of becoming acquainted with it. Had that been done, and had the people approved of it, it might have been gone on with by the Government with the support of the whole community at their back at a slightly later period. I think that the events that have since transpired amply sustain the argument I have made use of, and what we did last session, and what we may be called upon to do this session, indicate very clearly what we ought to have done when we had the Bill before us had it received more deliberate consideration at that time, it is possible that the large advances made in Parliament last year to the company would not have been asked for, and that such further demands as will in all probability be made this year, would have been rendered unnecessary. I will now direct my remarks to the constitution of the Senate. I think many untenable positions have been assumed. One is that an elective Senate would necessarily be the counterpart of the House of Commons. There are difficulties connected with the election which are only partially understood, and that assertion which has been so generally and so boldly made that an elective Senate would be merely a reflex of the House of Commons, seems to me to be without foundation. Perhaps it might be so if the Senate was elected by the same constituencies as the House of Commons; but that need not necessarily be the case. I think myself, at the present juncture, when there seems to be a disposition to alter, whether for the better or for the worse, the franchise of the Dominion, if such a measure were proceeded with it would be a very appropriate occasion to consider, in conjunction with it, the constitution of the Senate of Canada. It seems to me that if the franchise is to be altered it might be altered in the way of extension rather than contraction, and that the principle which has prevailed in the province from which I come, for so many years, a principle nearly akin to universal suffrage might be adopted generally through Canada profitably—if indeed the Dominion assumes the responsibility, which I do not at all feel disposed to advise it to do, of legislating upon the franchise of the people in the several provinces. I think it would be rather hasty and injudicious to interfere with the rights which have heretofore been exercised by the different provinces on that point, but if it is determined to do so, in my opinion it would be better to extend the franchise for the members of the House of Commons, and along with that to take into consideration the constitution of the Senate. Now, if a franchise nearly akin to universal suffrage prevailed, certainly property holders or

some them, might be disposed to take alarm; they might say, "my servant is as good a man under the constitution as I am," and they might feel some discomfort about that; but if property was represented in the Senate; if the Senate was elected by a constituency possessed of a considerable sum in money, or land, or value of say five or six hundred dollars worth of property, property would then be represented in this Chamber, and this body might, I think, be expected to become a really independent body, independent of the Government, and independent of any other house except itself, and in that case we might fairly expect that if hasty legislation occurred in the other branch of the legislature, or if a large and unnecessary expenditure was about to be incurred, or if some measure affecting the rights of the people was about to pass, a Senate elected by such a constituency as I have described would stand in the gap and resist such legislation as that, and resist it with great propriety and with good effect. I do not think myself that Canada has much to learn in the way of benefit from the experience of other countries with regard to second chambers; that I believe is the expression that is generally adopted, "a second chamber." Perhaps it is not altogether appropriate, but still it is one that everybody understands, and I do not think we have very much to learn from other countries in that regard. The hon. gentleman spoke just now of France with regard to her experience of second chambers. I for one would not be disposed to accept French experience in matters of legislation. With all respect to that gallant and in some respects unfortunate nation, they have not been very successful in their efforts at constitutional government. I recollect one of their statesmen, who I think formed part of the provisional government after the fall of the last empire, spoke of those revolutions of theirs as so many cataracts that swept away everything before them, and then he proceeded to enumerate them. I will not detain the House now with the enumerations of the different governments or dynasties that have ruled France during the last fifty or sixty years; but I think they numbered ten or a dozen, if not more, up to the fall of the Emperor Napoleon III.

HON. MR. TRUDEL — Twenty-one different constitutions.

HON. MR. HAYTHORNE — That brings us down to the present time. I am speaking of the period at the last empire. I myself greatly prefer, if a change is to be made in the constitution of this body, that it should be a change in the direction of election by the people. To refer the election of Senators to the local legislatures would in my opinion be injudicious for various reasons. Sometime in the local legislatures you find a preponderating majority which lasts for years, and during all that period you will find Senators of the same type and the same political parties would be nominated; and under any circumstances I think that election by the local Legislature would mean neither more nor less than this: it would mean nomination by the local premier. Of course he must obtain the support of his party, but it is pretty well understood when a party is forming who would be the propable Senator. Now, I do not think that is what we want; we want something springing from the people themselves, and if the Senate were ever publicly elected by such a constituency as I have described, we might reasonably expect all the benefits which we have expected in vain from a nominative Senate. I have thought it almost indispensable to express my opinions with great clearness and precision on this point, which I hope I have done, as so much has been said upon it. I do not at all depreciate this body; it is not the capacity, the experience, or the ability of its members, that I criticize; but it is the method of appointing them; and after a long tenure of office by a gentleman such as the present Premier, we find necessarily that this body is composed largely of his friends and supporters. We cannot look forward to the permanency of such an arrangement. It has existed for a long time, but it is to be presumed that some day or other a change will take place. If that is the case, how is the incoming Government, supposing it professes the Liberal principles which our party holds—how is it to carry on the public business in this body? At the present time we number, I think, at the outside, some 15, and in the ordinary way a Liberal Government would have to be

in power some ten or fifteen years, probably, perhaps more, before, in the ordinary course of things, the balance would be restored.

HON. MR. ALMON—Liberal Governments do not live more than 5 years.

HON. MR. HAYTHORNE—Liberals may have learned wisdom in Opposition, and we hope for better things next time we come into office ; and that their tenure of office may be somewhat longer. I notice this peculiarity : that the hon. gentleman from Niagara and the hon. gentleman from Amherst both take a similar view on that point. They want to have this House renovated in some way. They must feel that those fifteen gentlemen who form the Opposition are altogether insufficient to meet the occasion ; that they are foes unworthy of their steel, and the hon. gentlemen opposite want something more formidable than the hon. gentleman from Prince Edward Island and those with whom he acts as opponents, and that is perhaps the reason they suggested the introduction here of some of the members of the Opposition. I am aware that some of my remarks have been somewhat disconnected, but the particular point was made that some parties in Canada and writers in the press and others have suggested that the Upper House is not wanted at all. I do not agree with them on that point. I think it is very essential, and what I have said incidentally on other parts of the question, must, I think, convince hon. gentlemen that I do not agree with those who would abolish the Senate. I think an Upper House is very much needed as a check on hasty legislation ; but I have here before me the opinion of a very competent authority about the expediency of second chambers. This is the opinion of Lord Chancellor Selborne, and it was given so recently as last November. Hon. gentlemen know very well that on November 9th the Lord Mayor of London gathers an Assembly in Guildhall of the magnates of the realm, and very many distinguished strangers also. The Lord Chancellor was present at that Lord Mayor's banquet, and he was called upon to return thanks for the toast " The House of Lords"—just at that time a great responsibility was overhanging the House of Lords. The Bill for the reform and extension of the franchise was passing through the House of Commons, and the question was what would the Lords do with it? Would they repeat their old conduct of 1831-32, at the epoch of the first Reform Bill ? Would they bring the country within measurable distance of a revolution rather than waive any part of their privileges or imperil their dignity by agreeing to such a Bill, and if they did, what was to be the consequence ? These were questions in everybody's mouth in England at the time, and consequently the words which fell from the mouth of the Chief Justice were words of importance and were watched for with anxiety by the people. What he said was this, and his remarks bear more particularly on the necessity of the Second Chamber :

" From the bottom of my heart I desire to see maintained the just authority and the true honor of that Assembly (The Lords). I have read history in vain, if it is true that either public liberty, or private rights, or good government, will ever be promoted by the uncontrolled dominion and absolute power of a single legislative assembly ; and it is because I think so, my Lord Mayor, that I do most earnestly hope, and trust, and pray that that great and august Assembly will always remember the true conditions of its power and make a wise, foreseeing and temperate and rational use of those powers, and will remember that they must be exercised in harmony with, and not in opposition to, all the other powers of the Constitution.—*London Mail, Nov. 12th,* 1884.

These were the words of Lord Selborne, so recently as last November. It is hardly necessary for me to say that I quite agree with so high an authority, that a second chamber is necessary; the only question is how are we to constitute it ? I do not think that all the glorification which the hon. gentleman from Niagara has indulged in with reference to the House of Lords, and the necessity for establishing in Canada a Senate bearing a strict analogy to that House are borne out by recent events. In quoting the opinions of Sir John Macdonald and the Hon. George Brown upon that question, reference has been made to the conduct of the House of Lords on several occasions. One occasion referred to was in the reign of Queen Anne. I do not recollect the exact circumstance which occurred on that occasion, but I should not attach much importance to it, because

it was before the constitutional period in English history. Some members of this House have sat for years in the same council with the late Hon. Joseph Howe, and they must recollect how strongly that gentleman felt on points connected with constitutional history. I had read many of that gentleman's speeches and written essays before I was acquainted with the writer personally, and I know that Mr. Howe established the period of the birth of the modern English constitution, and of modern English liberty at the passage of the Reform Bill in 1832. It is to the conduct of the House of Lords at that time and since that I shall refer.

Now, observe their conduct at the period of the passing of the first Reform Bill! That Bill was brought before Parliament no less than three times in two years. On the first occasion it was carried in the Commons by a majority of one But in Committee a hostile amendment was carried against the Government—that however did not decide the fate of the Bill —for the Government was beaten a few days later on another question and resigned. Unsuccessful attempts to form a new administration followed; then again Lords Grey and Brougham resumed office—Parliament was dissolved—and a vast majority in favor of Reform was returned. For the second time the Reform Bill was introduced and carried by overwhelming majorities. It was then sent up to the House of Lords, and there it met with opposition, and met with its fate; the second reading was rejected by a majority of 41. What was the position of the Government of the day on that occasion? They had two alternatives before them. They could resign and call upon the King to form a new Government, or they could call upon the King to give them authority to make peers—they did the latter. Lords Grey and Brougham went to King William and obtained from him the power to create peers; but the crisis of the Bill had not yet arrived. Parliament had been again prorogued to re-assemble in December, 1831; for the third time the Reform Bill was carried, and again sent up to the Lords; this time the second reading passed by a majority of nine, probably through the influence of the dreaded creation of peers. But hon. gentlemen will not suppose that the Bill was out of jeopardy when it passed its second reading by a majority of nine. The peers of that day were not going to give up their privileges and their opposition to the Bill quite so easily as that. They came to the conclusion, though the Bill had passed its second reading, to fight the Bill in committee, and so amend it and emasculate it there that it would be worthless to the people; but their intrigue was discovered, and it was made clear to them that if they persevered in that course the power which had been delegated to the Government to create peers, would be used. We can easily understand that a peer of Lord Grey's age and experience would not deliberately, if he could avoid it, destroy the prestige of that ancient and hon. House.

It being now 6 o'clock I move the adjournment of the debate.

The motion was agreed to.

INDUSTRIES AND MANUFACTURES OF THE DOMINION.

DEBATE ADJOURNED.

The order of the day having been called, for resuming the debate on the Hon. Mr. Macdonald's motion, viz:—

"That he will call attention to the Report of the Commission issued by the Government last year to enquire into the effect of the Tariff of 1879, on the Industries and Manufactures of the Country, and will ask the Government whether the Report will be furnished to members of the Senate and a certain number to the country."

HON. MR. McCLELAN moved that the order of the day be discharged, and that the debate be adjourned until to-morrow.

The motion was agreed to, and the order of the day was discharged.

THE TROUBLES IN THE NORTH-WEST.

ENQUIRY.

HON. MR. WARK—Before the House adjourns I would like to ask the Minister of Justice if there is any later news from the North-West?

HON. SIR ALEX. CAMPBELL—No, I think not. There was a satisfactory

telegram from General Middleton this morning, to say that he was at Clarke's Crossing; that the forces were gradually coming up to him, and I dare say that the House saw by the telegrams in the press that three Indian scouts had been captured; that two of them had been detained, and one of them was released. General Middleton expresses himself as being very much pleased with the conduct of the troops, and he hopes during the course of this week to be able to give some account of Riel, if he is to be found in the country.

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Tuesday, April 21st, 1885.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

CENTRAL BANK OF NEW BRUNSWICK.

THIRD READING.

HON. MR. ALLAN, from the Committee on Banking and Commerce, reported Bill (40), "An Act further relating to the Central Bank of New Brunswick," with certain amendments. He said: I might explain for the information of the House, that the paragraph omitted from the preamble was struck out because when the Bill was first introduced in the House of Commons there were two other clauses in it to which that part of the preamble related. Those two clauses were struck out before the Bill came up to this House, but this part in the preamble, which has nothing to do with the rest of the clauses of the Bill, was left, and the committee desired that it should be struck out, so that the Bill might be reported substantially without amendment.

HON. MR. ODELL moved concurrence in the amendment.

The motion was agreed to, and the Bill was read the third time and passed.

BANK OF WINNIPEG.

THIRD READING.

HON. MR. ALLAN, from the Select Committee on Banking and Commerce, reported Bill (62), "An Act to amend the Act to incorporate the Bank of Winnipeg," with certain amendments. He said: The object of the Act was two-fold; in the first place, to reduce the amount of the capital stock that is to be subscribed before entitling them to a certificate from the Treasury Board, and, in the second place, to extend the time for obtaining the certificate from the Treasury Board. When the Bill was introduced in the Commons, the time for obtaining that certificate had not expired, and the bank charter itself was still in existence; but on the 19th April, the time expired for obtaining the certificate, and the charter therefore became void. It was necessary to introduce an amendment here to provide that the charter should not be forfeited by reason of the certificate not having been obtained before the 19th inst. These are the only amendments made by the committee.

HON. MR. GIRARD—As the amendments are an improvement to the Bill, I move that they be concurred in.

The motion was agreed to, and the Bill was then read the third time, as amended, and passed.

C. P. R. EMPLOYES RELIEF ASSOCIATION BILL.

THIRD READING.

HON. MR. READ, from the Committee on Standing Orders and Private Bills, reported Bill (75), "An Act to incorporate the Canadian Pacific Railway Employes Relief Association," without amendment.

HON. MR. SCOTT moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time and passed.

LIFE SAVING SERVICE ON SABLE ISLAND.

INQUIRY.

HON. MR. ALMON rose to inquire from the leader of the Government in this House, whether any improvement has been made in the Life Saving Service on Sable Island, since the loss of life which ensued from the wreck of the ship "Britannia," on the north-east bar of that Island, on September 3rd, 1883?

He said: At the risk of being a little tedious, I will relate some of the circumstances connected with the wreck of the ship "Britannia," which I alluded to last year. The "Britannia" struck on the north-east bar of Sable Island, on the night of the 3rd of September. She was seen by the look-out party at daylight that morning. As the sun rises at a quarter past five at that time of the year, daylight would be about 4:30 a.m. At half-past one in the afternoon a boat under sail came within half a mile, or a quarter of a mile, of the wreck—so near that the two parties, those on the ship and those on the boat, waved their hats to each other. Seeing that there were breakers between the boat and the wreck, the boat turned back, and no help came to them the next day. I was informed, that at the time, there was a gale blowing and that was the reason why the vessel could not be approached, but that was not the case, because Capt. Cooke, of the barque "Recovery," who passed within a quarter of a mile of the wreck, said that there was a very light sea running at the time and he had no doubt that the whole of the wrecked persons could have been saved by lifeboats. That was corroborated by the hon. member from Lunenburg, who was informed by fishermen that there was no wind to speak of. The captain, with his wife and four children and the crew, left the wreck on the night of the 5th, on a raft, to make the island, as the vessel was breaking up. They drifted until they came opposite the island, but out of the seventeen who were on board thirteen were lost, and the others were picked up by a boat from the island; not, as stated in the report, by a boat sent to save them, but by a boat from the island. It appears to me that there is something very defective in the life-saving appliances on the island. Of the crew on the boat that went out to them, only two were seafaring men. The others were men who had been engaged in other occupations and unfit for the service, and two of them were sea-sick. There was great deficiency in the boat and likewise in the trained crew. These facts were corroborated by the hon. member from Charlottetown (Mr. Carvell) who said that at the time the ship "State of Virginia" was wrecked in 1879, he had gone to the island, and that in the endeavor to get the crew and passengers to shore from the wreck, a distance of only between a quarter and half a mile from the island, nine lives were lost. Persons who witnessed the scene and had no interest in misrepresenting the facts, thought that the lives of these persons might have been saved if there had been proper appliances. Since the loss of the "Britannia," another vessel has been wrecked there with the loss of three lives. A vessel from St. Pierre was wrecked on the island during a heavy snow storm; and all but one of the crew perished. I do not think any fault can be found in that case with the life service. What is wanted at Sable Island, and very much wanted, is a cable connecting it with the mainland. In the case of the late wreck of a steamer there, 300 men were landed on the island, none of whom understood the English language, and the whole force on the island consisted of only thirty men. These strangers were inclined to be riotous, and if they had remained they would have taken possession of the stores and done serious damage. The vessel from Halifax took off the majority of them the next day, but if they had not been removed there would probably have been riots on the island and loss of life, and all this would have been caused for want of having proper communication with the island. I had the honor, when representing Halifax in the other House, to speak to Lord Dufferin on the subject of establishing communication with the island. I told him that it was to the interest of the British government to give the Dominion a cable free of expense on condition of their laying it. He told me he thought it was a very reasonable proposition and if I would put it in writing he would see about it.

Unfortunately, or fortunately, a break-up of the House occurred at the time—however, it lost the cable, at all events, for the time being. The only quarter from which the harbor of Halifax is liable to be visited by a storm is the south-east. Now, Sable Island is the most southerly and easterly point of Canada, and if there were cable communication between the island and the mainland the authorities at Halifax could be notified of approaching storms and could put up signals and thus save life and property. Sable Island is very little more than half a mile wide in places, and if there were proper appliances there, the boats could be easily transferred from one side of the island to the other, so as to look after wrecks which might occur on either side of the island. There was formerly a cradle on which boats were put to carry them across; but that was out of order and was used for a haycart at the time the "Britannia" was lost. When I made some remarks on this subject last year, I was ably supported by the hon. member from Charlottetown (Mr. Carvell) and by the hon. member from Lunenburg (Mr. Kaulbach), the senior member from Halifax, who all spoke of my ideas as if they could corroborate them from personal knowledge or from what they had heard. I think his honor, the leader of the present Government, will remember that when he was in Halifax last summer, he made an ineffectual attempt to visit Sable Island. I hope other ministers will follow his example and visit various parts of the country during the recess, and become acquainted with the localities and the people. The Minister of Justice deserved very great credit for the attempt, ineffectual though it was, that he made to reach Sable Island. I was surprised to learn that the result of my remarks here last year on this subject was to make a great many enemies for me, and do me no good. The Conservative papers from Halifax, thinking it was an attack on the Minister of Marine and Fisheries, took no notice of the subject, and the Liberal papers thought no good could come out of Nazareth, and so they did likewise; but I am not making an attack on the Minister of Marine and Fisheries. All the life-service of the country, from the Atlantic to the Pacific, is under his administration, and he cannot be familiar with every detail. The head of the Department is not supposed to be acquainted with all these things; his Deputy is not a seafaring man, and at his time of life it is not reasonable to suppose that he would undertake to familiarize himself with all the details of such an extensive subject; but some practical man ought to go down there to look after these things. Sable Island ought to be under the supervision of the pilot commissioners of Halifax.

HON. MR. POWER—No.

HON. MR. ALMON—I think so; it is supposed by a geographical fiction to be part of Halifax County, and I see no anomaly in making the Halifax pilot commissioners also the commissioners of Sable Island. In olden times, the commissioners of Sable Island were men who had nautical experience, and sometimes were old captains. The service was managed for a small sum of money then quite as well as it is at present.

HON. MR. POWER—Better.

HON. MR. ALMON—I said I got no thanks for the course I took last session; but I should have remarked that I got letters from sea captains thanking me for what I had done, and one of them took me by the hand and thanked me heartily for having brought to light a matter of such importance to all seafaring men. With these few remarks, I beg to make the inquiry of which I have given notice.

HON. MR. KAULBACH—This is not a motion, therefore I have some delicacy in rising to speak upon it; but evidently there should be a cable between the mainland and Sable Island, and I think that England and the United States are equally interested with Canada in establishing that communication. I hope the Government will be able to tell us that something is to be done in that direction. It is quite evident that in the loss of the steamers "Virginia" and "Britannia," if there had been reasonable efficiency in the life-saving apparatus so many lives need not have been lost. In the wreck that occurred last summer, lives were not lost, although there were complaints afterwards from the shipwrecked people of the

barbarity of the conduct of the people on the island.

HON. MR. ALMON—There were lives lost in the wreck of the "Amsterdam." The life-boat did not come to the steamer, although it had been seen from the island for some time. The people from the wreck were obliged to attempt to land in their own boats, and not being surf boats some of them were swamped and lives were lost.

HON. MR. KAULBACH—I was not aware that lives were lost, but those who got ashore complained that there seemed to be a want of discipline, and that they were treated with barbarity by the persons living on the island. It is evident from what was brought out in the former discussion here, that the efficiency of the service on the island is not such as it ought to be. Every man in that service ought to be a thorough seaman, ready to go out in all kinds of weather, in proper boats. I do not know how many there are on the island.

HON. MR. ALMON—Thirty, I think.

HON. MR. KAULBACH—That ought to be sufficient, with proper boats. It is evident there is an impression abroad that if there was a reasonably sufficient service, so many lives would not be lost on Sable Island. There is perhaps no county in the province of Nova Scotia more interested in this matter than Lunenburg, as a great many of our fishermen fish in that direction, and I hope the Government will make some effort to render the life saving service there more efficient.

HON. SIR ALEX. CAMPBELL—I was very sorry not to have been able to reach Sable Island, when I visited Halifax last summer. The ship "Newfield" was going out with supplies, and a man connected with the staff on the island, and we made an effort to get to the island, but the wind did not serve and we were unable to land. From the intercourse I have had with the master of the vessel, and with this man who had been on the island four or five years, and who was a very intelligent man, and from the interest which I felt in the island from the remarks made by the hon. gentleman opposite (Mr. Almon) last session, I took occasion on my return to represent what I had heard, and what I believed, as far as I could form an opinion, were the changes that should be made on the island, and I am glad to inform my hon. friend that some steps have been taken in the direction which he has advocated, and so far as they go they will have a wholesome tendency to increase the efficiency of the service on the island. I will read for the House a memorandum that I have received from the Department of Marine and Fisheries:—

> A new superintendent, a young, active and efficient boatman, was appointed in December last, and new rules and regulations framed for the guidance of the staff. The whole extent of shore is patrolled daily to ascertain if wrecks have occurred, and in this connection it is proposed to erect a telephone connecting the different stations with the main station. Tenders have been invited and a contract entered into for the supply of poles for this purpose.
>
> Two lifeboat crews have been organized, one at the main station, and one at the east end station, and the crews are mustered and practice at least once a week. A new lifeboat of the latest and most approved description, will shortly be completed and sent to the island.
>
> Instructions have also been given that the men shall be drilled in the use of the rocket apparatus now on the island, so as to be of service in case of wreck."

In addition to that, negotiations have been going on which have not yet arrived at any conclusion, for connecting the mainland and the island by cable. Whether that will be accomplished or not I do not know, but in the meantime the steps I have mentioned have been taken, which are in the direction the hon. gentleman has indicated, and which will increase the efficiency of the service. It was very unfortunate that I was unable to reach island, so far as the wreck of the vessel is concerned—which occurred the day we tried to land there. Had we arrived at the island and landed our stores and men, the ship "Newfield" would not have been able to go back, and though it could not have prevented the disaster, it might have been the means of saving life. I am quite sure that the Department is alive to the necessity there is for improvement, and

the room there is for improvement, in the life-saving service of Sable Island.

HON. MR. ALMON.—I am very much pleased at the information which the hon. gentleman has just given to the House. Can my hon. friend tell me why this was not mentioned in the report of the Minister of Marine and Fisheries? Was it that the officers preferred to hide their light under a bushel, or that they did not like to acknowledge that they had hitherto been in fault?

HON. SIR ALEX CAMPBELL.—I can hardly accuse the officer who manages this Department with seeking to hide his light under a bushel.

HON. MR. ALMON.—There was not a word about this in the report of the Minister of Marine and Fisheries, which was laid before the House this session.

HON. SIR ALEX. CAMPBELL—I will inquire and find out.

TROUBLES IN THE NORTH-WEST.

MOTION.

HON. MR. TRUDEL moved:

That an humble Address be presented to His Excellency the Governor-General, praying that His Excellency will cause to be laid before this House:

1. Copies of all correspondence or memorials respecting the claims of the nalf-breeds of the District of Saskatchewan and the causes of the troubles generally since 1874, and especially all reports, letters and telegrams addressed to Lieutenant-Governor Dewdney, or communicated to him, and by him communicated to the Government of Canada, or to any of the members thereof, concerning the agitation which has taken place at Duck Lake, and the claims of the Western half-breeds, from 1st August, 1884, to 6th February, 1885, inclusive, and also all memorials, telegrams and letters received from Louis Riel during the same period.

2. A return showing, at least approximately, the number, nationality, rank, and jurisdiction of all and every the employes of the Government in the North-West, whether commissioned or not commissioned, the date of their appointments, the amount of their respective salaries, and the religious persuasion to which they belong.

He said: The motion of which I have given notice is one of a very delicate character, and I think that what is asked for is sufficiently explained by the wording of the notice, so that I will abstain from giving any of the reasons which have induced me to ask for the address. I will only request the Government that they will be pleased to have these documents brought down to the House as soon as possible. I understand that most of the documents have already been prepared.

HON. SIR DAVID MACPHERSON—There is no objection whatever to the address, and I shall do whatever I can to have the papers brought down as speedily as possible, in compliance with the request of my hon. friend. The second portion of the address I fear will take considerable time to prepare. If it will be acceptable to my hon. friend, the first part may be brought down as soon as it is ready, and the second as soon as it is ready.

HON. MR. ALEXANDER—While all parties unite to suppress the unfortunate and much-to-be-deplored outbreak in the North-West, it is quite necessary and quite proper that such papers should be called for as have just been moved for by the hon. gentleman from DeSalaberry. It is quite necessary, and quite proper, that Parliament should demand at the earliest possible moment full information respecting the grievances of those who have been led to take up arms and whose act of sedition has unfortunately led to bloodshed. Events now transpiring show that the Government, I fear, have not dealt with those claims of the half-breeds as they ought to have done. If they had done so we should not have had the out break which we now deplore.

HON. MR. POWER—Hear, hear!

HON. MR. ALEXANDER—We have heard the anecdote of the Indian who sometime ago returned from a visit to Ottawa, who, when he was cross-examined by his tribe as to whether he had received any satisfaction, replied in a very despondent tone, he did not know, but "Old To-morrow" said he would consider it. This is almost the key to this trouble—this very anecdote of the poor Indian Chief.

HON. SIR. ALEX. CAMPBELL—It is quite a new one.

HON. MR. ALEXANDER—This anecdote is probably the key and solution of the difficulties which unfortunately now surround us.

HON. SIR ALEX. CAMPBELL—It is quite a new one.

HON. MR. ALEXANDER—Then I fancy that when delegates come from our North-West to represent to the Department of the Interior, any alleged grievances, perhaps they have not found that patient and willing ear and sympathizing spirit which those in the position of half-breeds and of poor Indians might expect to look for. I hope that the head of that Department is not in the habit of replying to such delegates in the language which he often uses in this Chamber to independent members of this House, when they are endeavoring to discharge their public duty. He sometimes condescends to characterize their humble appeals for justice in this House as "stilted nonsense."

HON. SIR DAVID MACPHERSON—I have never applied it to the remarks of any member of this House, except to those of the hon. gentleman who now has the floor, and I am inclined to believe that those words characterize the hon. gentleman's remarks correctly.

HON. MR. ALEXANDER—I remember that when the late lamented Mr. Vankoughnet was the leader of this House we had no such scenes as have taken place in this Chamber during the last four years. Then we had everything conducted in a manner that induced every one to discharge his duty honestly and courteously. There were no efforts then made to prevent humble representatives of the people from expressing the views of the people. There were no efforts made to prevent motions being brought before this House, and there was no such language used in those days to any humble member of this House who endeavoured to do his duty, and who will fearlessly act on behalf of the people as long as he lives. That members of the Government should apply such epithets to the remarks of humble members in this House, however poor those members may be—

HON. SIR ALEX. CAMPBELL—I rise to a question of order. I think these references to a past debate and the whole scope of the hon. gentleman's remarks are not *apropos* of this debate, which is an address for papers and correspondence respecting the troubles in the North-West.

THE SPEAKER—A good deal of liberty is allowed to hon. gentlemen in discussing questions on motions of this kind, and I am not prepared to say that the member for Woodstock has gone beyond the limit of legitimate debate.

HON. MR. KAULBACH—It is not in good taste.

HON. MR. TRUDEL—As the mover of this resolution, I have no doubt that the hon. gentleman from Woodstock, in his patriotism and desire that justice should be rendered to every part of the Dominion, has joined with me to ask for the necessary papers. It is his intention, of course, and I am very thankful for his assistance, but in the meantime I would respectfully suggest to him that in such delicate matters as are alluded to in this motion it would be a matter for regret if any political or party feeling should be mixed up with it, and I am afraid that if grievances which my hon. friend may have against some members of the Administration are alluded to, that some party feeling might be introduced into a question which should only be approached in the most careful and impartial manner. Of course, they are sacred and very important rights we have to deal with. First, it is our duty to see that the authority of the country is maintained and respected, and in the meantime that the rights of the subject should be respected, too; and the motion which I have made is to have brought before the House all necessary documents to allow hon. gentlemen to pronounce on this very important question. My hon. friend from Woodstock will, I think, appreciate my motive when I ask him, as a friend of the cause which I have alluded to, not to insist upon his remarks. He will have many occasions to do it, and I hope that he will not insist upon them now.

HON. MR. PLUMB—"Save me from my friends."

HON. MR. ALEXANDER—As a close observer of the manner in which the affairs of our North-West have been administered for some time, I cannot say that I feel very sanguine that we may not have continued trouble in that region. The powerful force of noble and excellent young men under the command of so able a general as General Middleton, must at once suppress any act of sedition, and I do not suppose there will be any more bloodshed; but the mere suppression of this outbreak by our patriotic young soldier-citizens will not remove the discontent, and I caution the Government against continuing such appointments as they have made in the past, of mere bankrupt politicians to administer the affairs of the North-West; instead of mere demoralized politicians, they should select reliable, responsible and upright men who have not been degraded by a past political career. No effort of General Middleton's will remove discontent thus aroused. I remember how representations were made some time ago from Regina and Calgary with respect to representation, and those were always disregarded by the Minister of the Interior. When we look at the position of the North-West, at the scattered and solitary settlements in the North-West, and how difficult it is to prevent acts of sedition when a few settlers at any time become disaffected, it behooves the Government to be guided by proper moral sentiment, instead of studying how they may keep themselves in power and keep the Opposition from the Treasury Benches. If they continue to appoint men who have been demoralized, and because they have done unworthy acts for the Government for the sake of office—I say we may expect to suffer from a continuation of the troubles now existing.

HON. MR. SCOTT—I would like to see added to the motion, "copies of all correspondence, motions and resolutions of the North-West Council bearing on this matter."

HON. SIR ALEX. CAMPBELL—I have no objection to the amendment.

HON. MR. POWER—I am glad to see that the Minister has no objection to bringing down the correspondence, with the addition suggested by the member from Ottawa; and I think the Minister of the Interior manifested good judgment in suggesting to the member from DeSalaberry that he should separate the second portion of his notice and postpone it for the present. I think for other reasons than those given by the Minister of Justice, as well as those that the Minister gave, that the impression conveyed to one's mind by finding those two returns coupled together, would be that the feeling in the mind of the hon. gentleman that moved the resolution was that there was some connection between the two, and if the Half-breeds had made trouble in the North-West, it was because they did not think they had received their share of the offices distributed there. Among the many causes suggested for the outbreak we have not yet heard that assigned. Of course the hon. gentleman from DeSalaberry has better means of knowing than I have, and it may have had something to do with the outbreak. I think, however, it is better that that impression should not be sent abroad. As a supporter of the Government, the hon. gentleman from DeSalaberry exercised a wise discretion in not speaking to his motion. I do not know whether the same reasons should actuate members who do not support the Government. I am happy to see that the hon. leader of the third party in this House has certainly put himself on record in a very decided and unmistakable way. As a member of the regular Opposition, I wish to say that in this matter I stand alongside of the hon. member from Woodstock. The hon. member from DeSalaberry said that this was a very delicate matter, and that it would not do to discuss it freely for fear we might give it something like a party aspect. No doubt it is a delicate matter; but I do not think that that is the right way to deal with delicate matters when they are of such importance as this—to pass them over without saying anything about them. I think the proper way to deal with such matters is to deal boldly with them—to grasp the nettle boldly, and then it ceases to sting. I did rather hope, when I saw the notice given by the hon. gentleman, that we were going to have a full and free

and independent discussion of the whole matter.

HON. MR. ALEXANDER — Hear, hear!

HON. MR. POWER—I do not see what harm it could do. I presume that all the members of the House are of one mind on certain points. Every hon. gentleman feels that this insurrection has to be suppressed, and suppressed as speedily as possible. I presume that every hon. gentleman feels that at least the ringleaders, the men who have incited others to rise with arms in their hands, and who have led to the bloodshed that has taken place, should be severely punished. We all agree about that, but after that has been done—I presume it will be done in a very short time—something more and something much more important remains to be done. There has been undoubtedly a very serious discontent in all that North-West Territory for some years. That discontent has at length developed into the acute form of this insurrection. It is the duty of Parliament—I think it is one of the things which are peculiarly the duty of Parliament—to consider what are the causes which led to the dissatisfaction which culminated in this outbreak, and to suggest to the Ministry remedies to apply, so as to prevent anything of the sort occurring in the future. That seems to me to be the proper business of Parliament. I think it is unworthy of an English-speaking Parliament, or in fact of the Parliament of any free country, to say that you must speak with bated breath of things such as these. Wait until Parliament has risen—wait until next year, after the Government have perhaps made further mistakes—and then speak of things which have passed by and are no longer live issues.

HON. SIR ALEX. CAMPBELL—Would it not be well for the hon. gentleman to wait until he sees what the Government has done—to wait until he sees the papers before he condemns them?

HON. MR. ALEXANDER—We know what has been done.

HON. MR. POWER—I quite understand how the Minister feels on that point, but as a general thing it has not been the practice to move for papers without saying anything about what the papers are expected to show.

HON. SIR ALEX. CAMPBELL—It certainly would be a better practice to wait until they are brought down.

HON. MR. POWER—This is almost the first time that I have known a motion to be made by a member without speaking on the subject. I think the hon. member from DeSalaberry, when he made this motion, should have given his reasons for asking for the papers. As the hon. gentleman did not do so—although unfortunately I have not devoted much thought to the subject—I propose to supplement his motion with some remarks which he might have made.

HON. MR. PLUMB—You are a clairvoyant—you know what he intended to have said.

HON. MR. POWER—It does not require any extraordinary acuteness of vision to be able to judge with a certain amount of accuracy as to the causes which have led to the difficulties in the North-West. We know the people who have caused this outbreak; we know what the papers of the hon. gentleman opposite, as well as those which support the party to which I belong, have said on the subject, and we hear every day statements of the causes which have led to the trouble. Now, I am not going to pursue the subject to any length, because I thought that would have been done by other hon. gentlemen, and I had not made any preparation to deal with the matter; but I shall take the liberty of stating very briefly why I think we should have this correspondence, and the additional papers suggested by the hon. member from Ottawa, brought down.

HON. SIR ALEX. CAMPBELL—The Government has just promised to bring it down.

HON. MR. POWER—The Government often promise to bring down papers which do not come for a considerable time, and I venture to say that the papers already in

the possession of the public and the facts as we know them, make this clear, that this is just a case of that neglect of duty which I took the liberty of speaking about in the early part of this session, on the part of members of the Government, more particularly in this case of the hon. Premier, because he is the man who has had most to do with the North-West country from the beginning; he was the Minister of the Interior from 1878 to 1883; he still continues to control Indian affairs. During the time when these troubles in the North-West were culminating that right hon. gentleman was at home in the old country getting a slight change in the alphabetical addition to his name, when he should have been attending to affairs in the North-West.

HON. SIR ALEX. CAMPBELL—That is very unworthy.

HON. MR. POWER—Then there is another fact to which I will call attention; returns have been laid on the table of the House of Commons which show, as it had become clear before, that one of the things which in a great measure occupied the attention of the Government, and especially the Ministers who have to deal with the North-West—the Premier and the Minister of the Interior—during a great part of the past few years, has been dealing with applications from Tory members of the House of Commons and other persons, looking for lands, for timber limits, for mining rights and property, and privileges of that sort in the North-West, and while they were adjusting the claims of these persons they had not time to attend to the claims of men who have been settled in that country for twenty years or more. I am not saying anything now as to the Minister of Justice, except that he has to share with his colleagues to a certain extent in the responsibility, but I cannot help feeling that if the Government were to pay a little more attention to the proper administration of the affairs of the country and a little less attention to measures intended solely to keep themselves in power, it would be better for the country, and possibly ultimately better for the Ministers themselves, both as regards their tenure of office and their standing in the country.

HON. MR. KAULBACH — I regret very much the remarks which have fallen from my hon. friend from Halifax. With regard to the discontent in the North-West, we must know that there has been discontent across the border for many years, and that we will have trouble in this country as long as there are Indians in our territories. But my hon. friend seems inclined to judge the case before he hears the evidence.

HON. MR. POWER—We have evidence.

HON. MR. KAULBACH—It seems to me that it is not fair to our patriotic citizens who are going to the North-West to assert the federal authority, to foment strife and make people in that country believe that there are grievances. Our first duty should be to put down the rebellion, and then, if there is any fault on the part of the Government, let us have the evidence and judge them upon it. I think the hon. member from DeSalaberry showed good taste in moving for these papers without making any remarks. He knows that it is not in the interest of the public to have a discussion on the subject without having more light to guide us, and my hon. friend from Halifax should know that his remarks to-day are calculated to fan the flame of discontent and lead misguided people in the North-West to believe that they have real grievances when we have no evidence to show that they have any of a substantial character.

HON. MR. POWER—The Goverment have admitted, by issuing a commission, which should have been issued years ago, that there are grievances.

HON. MR. KAULBACH—We know what the discontent in the North-West has been; we know how it has been fomented and by whom. My hon. friend from Halifax is one of the last persons who should endeavor at this time to make such an address to the House as he has done, and even introducing into it a sneer at the well-deserved honor which has been conferred on Sir John Macdonald for his distinguished services to the country. The contemptible way in which he has spoken of it—

HON. MR. POWER—I rise to a question of order. The hon. gentleman has no right to use the word "contemptible" to any member of this House. It might be applicable perhaps in some quarters.

THE SPEAKER—I have no doubt the hon. member from Lunenburg will be ready to withdraw the word.

HON. MR. KAULBACH—I have no objection to withdrawing it, but I wish to say that the remarks of the hon. gentleman were intended to throw contempt on the honor which the Premier has received from Her Majesty, and which he has so well merited. I am surprised at my hon. friend endeavoring to foment trouble and prevent an amicable settlement with the Indians in the North-West. Every loyal subject should be desirous of having these unfortunate difficulties settled as quickly as possible, and any attempt to embarrass the Government or censure them for their course in the North-West at this particular time, tends to prevent a speedy termination of the trouble. What is stated here will go to the country, and will soon reach the North-West, and will lead the disaffected Indians and half-breeds to believe that they have real grievances, and have the sympathy of some members of this body in the course which they have taken. It is quite obvious that the hon. member from Woodstock is not influenced in his conduct here by a desire to promote the interests of the country, but is simply animated by a feeling of hostility towards some leading members of the Senate. He manifests it every time he addresses the House, and shows that his main object is to attack certain members of this body. I am sure the House must feel that such a course is not in the interests of legislation or of the public, and I am sure if the hon. member could realize the light in which his conduct is viewd, he would desist from the course he has of late been pursuing. He ought to know that he has no sympathy in this body when he enters upon these tirades of abuse.

HON. MR. BELLEROSE—I regret that the hon. member from Halifax has thought fit to take such a course on this question. He may be sure that in due time, if the Government are found guilty of having caused these troubles, there will be many members of this House ready to join him in condemning their conduct; but this is not the proper time to enter upon a discussion of the subject. I believe he has made a mistake in criticizing the course pursued by the hon. member from DeSalaberry, who has shown much more prudence than the hon. member from Halifax has himself displayed. To discuss the subject now is simply to prejudice it, when we know that it ought to be decided without prejudice or party feeling. The hon. gentleman has himself given evidence that this is not the proper time to discuss the question, because he has no information on which to base an opinion. He has stated that he hoped that those who were at the head of the rebellion, and the rebels themselves, would be punished. I am not sure, if he is a good Christian, that he has a right to say that. Suppose it should be proved by public documents that the Government have been guilty in this matter; though they may have the power, they certainly would not have the right, to punish those who, though rebellious, might possibly not have taken up arms until they were forced to do so by the negligence of those in authority. I remember, in 1837, when 12 men were hanged in Old Canada, that the best men in Canada, and the foremost lawyers in the country, were of the opinion that the execution of those men was nothing short of a crime. In a question of such importance as this, I think we should wait until we can get at the bottom of the whole thing, and when we have all the evidence before us we can then judge whether the Government have been right or wrong. Under the circumstances, I, for one, admire the position which has been taken on this subject by the hon. member from DeSalaberry.

The motion was agreed to.

BILLS INTRODUCED.

Bill (Q), "An Act further to amend the consolidated Railway Act of 1879." (Sir Alex. Campbell.)

Bill (70), "An Act to incorporate the Rush Lake and Saskatchewan Railway and Navigation Company." (Mr. Girard.)

Bill (55), "An Act for granting certain powers to the Dominion Grange Mutual Fire Insurance Association." (Mr. Plumb.)

Bill (74), "An Act respecting the Manitoba and North-Western Railway Company of Canada." (Mr. Girard.)

Bill (91), "An Act to incorporate the Winnipeg and Prince Albert Railway Company." (Mr. Girard.)

LEGISLATION IN THE SENATE.

THE DEBATE CONCLUDED.

The order of the day having been called for resuming the debate on the hon. Mr. Plumb's motion, viz:

"That he will call attention to the desirability of encouraging the initiation of Private Bills in this House, with a view to the more equal division of the labors of the two branches in the earlier period of the session, and that he will also inquire of the Government if it be not deemed advisable to originate in this House as many measures as the law and usage of Parliament will permit in order that this House may more adequately fill its place in the Constitution."

HON. MR. HAYTHORNE said—When the hour of recess arrived yesterday I was describing the events which occurred at the period of the passing of the first Reform Bill in 1832, especially in the House of Lords, my object being to show the inappropriateness of adopting that distinguished body as a type of the Senate of Canada. I have shown that a second Reform Bill, that is to say, the Reform Bill which was introduced the second time in the House of Commons, after a general election, had been thrown out on the second reading in the House of Lords by a majority of 41; that prorogation had taken place; that the House of Commons had re-assembled and passed the Bill the third time, and sent it up to the House of Lords; that, on that occasion, the House of Peers had read the Bill the second time by a majority of 9, and I was on the point of showing the danger in which that Bill was placed by the subsequent conduct of the House of Lords—that a disposition was displayed there to emasculate that Bill in committee; that the whole strength and power of the Bill, and its capacity for improving and promoting the advancement of the people, would be obviated in committee. That was the danger to which it was exposed at that time, and of course there was a danger also that the people of Great Britain, who had expressed such strong opinions with regard to Reform, and awaited the passage of their Bill with so much patience and good conduct, should cease, perhaps, if their Bill was rudely thrown out in the Upper House, to be patient any longer and be guilty of acts which would cause loss of life and property. That happily was not the case. Means were found to intimate to the Peers that the royal prerogative would be made use of. It is quite true that that extreme was not reached. It did not become necessary on that occasion, nor has it become necessary on any occasion since, to exercise the royal prerogative with a view to pass a measure through the House of Lords on which the House of Commons had more than once voted affirmatively; but it is I think worthy the attention of any constitutional body, such as this House is, to notice these land marks, as it were, in our constitution. I said yesterday, incidentally, that the birth of constitutional government had taken place on the occasion of the passage of the Reform Bill, and I would remind hon. gentlemen who were acquainted with the late Hon. Joseph Howe, of his well known opinions on that point, that previous to that period responsible government was not thoroughly understood, and the limit of the prerogative of the Crown was scarcely understood. I will just read to the House a few lines from a letter by Herbert Taylor, the King's Private Secretary, to the Opposition Peers in the House of Lords, when the Reform Bill of 1832 was still in committee. Apprehensions had been felt for the safety of the measure, and the circular-letter which I am about to read is what one of the historians of the times says decided the matter. It is the final appeal to the Lords. The last practical acknowledgment of their free will, was in the form of the following circular-letter from—

ST. JAMES' PALACE, May 17, 1832.

My dear Lord—I am honored with His Majesty's command, to acquaint your Lordship, that all difficulties to the arrange-

ments in progress will be obviated by a declaration in the House to-night from a sufficient number of Peers; that in consequence of the present state of affairs, they have come to the resolution of dropping their further opposition to the Reform Bill, so that it may pass without delay, and as nearly as possible in its present shape.

I have the honor to be, &c.,

HERBERT TAYLOR.

The effect of this circular was that the Peers who were most opposed to the Bill absented themselves and allowed it to pass without further opposition. It is, perhaps, pardonable in me to refer to a few of the events which were occurring in the country at that time, because they give great significance to the action of the House of Lords on that occasion—the action of the House, let hon. gentlemen remember, which has been recommended, in the quotations of the hon. gentleman who introduced this motion, as one to be imitated in the Senate of Canada. So far had the resolution to oppose the popular vote for reform by force gone that, history tells us, a celebrated cavalry regiment had remained booted and spurred day and night in their barracks ready to put down any disturbance that might arise. They had gone so far as, on the Sabbath day, to rough grind their sabres, a thing which had not occurred since the battle of Waterloo. Hon. gentlemen cannot fail to observe that when matters had reached such a pitch as that, it was not a safe thing for the House of Lords to run the risk which would have occurred if the services of that troop of cavalry had been called into requisition. That period has passed away. Fifty-two years have elapsed since then; yet, I do not doubt, some hon. gentlemen who have arrived at the same period of life as myself, have still a keen recollection of what occurred then. Has the House of Lords changed in that time? But little, I think. It was in the same identical position not many months ago to what it was in 1832, standing still in strong antagonism to the wishes of the people and the action of the House of Commons, expressed by a very large majority, and to the well-known wishes of the people expressed through the length and breadth of the land. And yet we find the House of Lords, in 1884, taking pretty nearly the same stand as they took in 1832—yet this is the body which was recommended to the notice of the Convention in Canada as one which should be imitated in the formation of the Senate of Canada. I cannot agree with that myself. It seems to me to be an error pregnant with mischief. Fortunately, on the recent occasion to which I have alluded, the Peers took a wiser course, taught perhaps by experience. They, or their leaders, conferred with the Government of the day, and very wisely, I think, prevented anything like a collision between the two Houses, or between the Upper House and the people, and the consequence is that possibly there may be a long life before the House of Lords, and if they act upon the suggestions of their noble leader, whose speech I read from yesterday, perhaps that life may be a long and a useful one. I hope it may be; and I hope it will not be supposed, from any criticisms I have offered on that body, that I have intended in the slightest degree to reflect upon them as individuals. It would be a most improper thing to do, for obvious reasons. They are men of great influence and ability; they comprise the ablest lawyers and the bravest soldiers and sailors of the Empire, and to attempt any reflection on them as individuals would be simply absurd, besides being entirely out of place; but one may safely take the other line of saying that as a branch of the constitution it is rather out of date at the present time. It is a creation of a former age, when, as I said yesterday, it had been notoriously of great use in the unformed days of our constitution. Neither, in any suggestion that this Senate has not fulfilled all the anticipations of those who were its promoters and formers, do I intend that anything I have said should be construed to reflect on the capacity and ability of any hon. gentlemen who hold now, or have held, seats in this House. It is against the nominative principle that I contend, and that, I say, is responsible for all the shortcomings of this body. It is responsible for the want of balance which it has displayed of late years. The strength of this body has been all on one side, and it is impossible to view with indifference what must be the result should a change of government occur, while this balance remains pretty nearly as it is at present. It is for that reason that many individuals throughout

the country, the press, members of Parliament, and numerous others, have contemplated this question of what alteration should possibly be made in this body to restore the balance which alone would make legislation possible here in the event of a change of government. It is with a view to that question that the idea of an elective Senate has been mooted pretty generally. I think that remarks on this point may very properly come from me, because, looking over the quotation made by my hon. friend who introduced the question, I find that the then colonies of Prince Edward Island and Ontario were the only two of the provinces which met at the Conference at Quebec who were in favor of an elective Upper House. Our province of Prince Edward Island had changed the constitution of its elective House a few years before, and latterly and still it has an elective Legislative Council. Therefore, I think I may very fairly, as being connected with the island, and having held a seat in the same Legislative Council, undertake a discussion of the elective principle, and I may say this: I do not think any objection has been urged against the elective principle which may be seriously considered, except the difficulty of carrying it out on the ground of the vast extent of the constituencies which would have to be canvassed by those who sought seats here. That is a difficulty, no doubt, but I believe ways and means might be found of overcoming that difficulty. But otherwise, I cannot see that any serious difficulty attends the adoption of the elective principle. The hon. gentleman from Niagara quoted some lines which I will be pardoned, perhaps, for reading again. He was speaking of what had occurred at the Convention:

> "We resolved then that the constitution of the Upper House should be in accordance with the British system as nearly as circumstances would allow. The only mode of adopting the system in the Upper House is by conferring the power of appointment on the Crown, as English peers are appointed, and that that appointment should be for life."

Now, we have carried out that system for a great number of years, and the result has been that we have a majority of Government supporters of nearly four to one, and that, I think, is a state of things which hon. gentlemen themselves even deprecate. They see the incongruity of retaining an overwhelming majority in this House, and suggestions have been made which I touched on yesterday, and which are evidently impracticable; they are not within the bounds of practical politics at all. It is not likely that any distinguished Liberal would accept an appointment from the Government leader, whatever he might do with his own leader. I think he would maintain his character and consistency before the public, and decline the nomination by the Government leader; but the very fact that hon. gentlemen have referred to such a possibility shows their feeling on the point, shows that they feel in their heart of hearts the incongruity of their position here—of their ovrewhelming majority which prevents the Opposition side of the House being able to place on the floor more than fourteen or fifteen men. The hon. gentleman, in the course of his speech, enlarged very much on the want of general confidence which has been displayed in this Senate. One of the symptoms, the one which gave rise to the motion, was that promoters of private bills did not introduce them in this House; and, generally, the misconception which exists as to the duties and capacities of the Senate and its members. I think, if you come to inquire into it, you will find that the remedies are not what the hon. gentleman suggested, but they are simple and obvious. This House has not obtained the confidence of promoters of private bills, and it does not enjoy such a measure of the confidence of the general public as we all wish, simply because it is a nominative body. The remedy for that difficulty is, from a nominative body to make it an elective body, and then an immediate difference will be found in the estimation in which it is held by the country at large. I think if the Senate were elected by a constituency possessing a considerable amount of property that it would at once gain the public confidence, and a body returned under those circumstances would be one which would be perfectly independent. It would be independent of governments, both present and prospective, and always ready to do its duty, always possessing the public confidence, a body which would

likewise worthily obtain the universal respect and confidence of the whole Dominion. This, I think, is what we require to do, and having heard this subject frequently discussed, and having expressed views in private similar to those which I have here expressed in public, I felt it incumbent upon me not to shrink from expressing them as plainly as any language at my command would admit. The hon. gentleman from Niagara stated that he would treat the question with the utmost candor, and I cannot deny that he did so—perhaps with too much candor in some respects, and I have done the same. I have not shrunk from expressing opinions which may not be palatable to some hon. gentlemen, but which, I think, if carried into effect would result in meeting the difficulty to which the hon. gentleman from Niagara has referred.

HON. SIR ALEX. CAMPBELL—When the hon. gentleman from Niagara gave notice of this motion, I did not imagine that he was going into the constitutional question to the extent he afterwards did in a subsequent part of his speech, nor did I suppose that the debate should take the range in that direction which it has done. I do not venture to criticize the course of the hon. gentleman from Niagara in the least, but I propose very much to confine myself to the scope of the motion as I have understood it, and to the discussion of the efforts which can be made to increase its usefulness, and perhaps the statistics in reference to the business that the House had performed in previous years—a comparison with the business transacted in the House of Commons—would be useful, and it was that humble contribution to the debate which I contemplated submitting to hon. members. I spoke to the Law Clerk of the Senate, and he made for me a memorandum showing in detail the business which had been done in the Senate, and in the House of Commons, and it was to enable me to get that memorandum that I asked my hon. friend from Niagara, on two or three occasions, to postpone this motion. The table which is made for me is a lengthy one, and goes into greater detail than perhaps it would be an object to the House to listen to. I have therefore made a short synopsis of it which will answer every purpose and will show to the House in a few moments what the relative state of business in the two Houses has been since Confederation.

SESSION.	Total Measures in Speech from Throne.	Originated in Senate.	Originated in Commons.	Total Government Bills Introduced.	Government Bills introduced in Senate.	Government Bills introduced in Commons.	Private Bills introduced in Senate.	Private Bills introduced in Commons.	Divorce Bills introduced in Senate.
1867-68	18	4	12	98	22	76	4	25	1
1869	10	1	8	56	20	36	9	42	1
1870	7	1	6	44	20	24	....	20	....
1871	13	1	11	34	6	28	3	37	....
1872	10	2	7	41	5	36	1	78	1
1873—1st	13	3	9	58	16	42	3	70	1
1873—2nd	10	..	....	....	....	....	....	....	....
1874	8	..	6	49	1	48	14	63	....
1875	6	1	5	60	9	51	6	42	1
1876	7	..	6	40	5	35	3	43	....
1877	11	..	11	55	1	54	5	35	4
1878	9	1	8	27	1	26	6	24	3
1879	14	1	12	46	7	39	2	32	1
1880	14	2	11	42	9	33	3	41	....
1880-81	8	4	3	39	13	26	5	39	....
1882	12	7	4	60	21	39	6	84	....
1883	11	1	9	48	19	29	4	58	....
1884	9	2	7	48	11	37	....	71	1
	190	31	135	845	186	659	74	804	14

This shows in tabulated form, and furnishes a very easy way of ascertaining the exact state of things with reference to the business of the two Houses, from Confederation downwards. Now, that the business of this House has not been so great as hon. members would like, is a fact beyond contradiction, and the object which my hon. friend from Niagara had in view was to draw attention to that fact and to seek if possible some remedy for it. That is not a new effort. It is one which has been made again and again since Confederation, at different times, by different members of this House, and amongst others by myself.

HON. MR. PLUMB—Hear, hear!

HON. SIR ALEX. CAMPBELL—In the session of 1868, I drew attention to the subject, and a committee was appointed. The hon. gentlemen from Niagara refers to the fact and refers to the report of the committee. I will venture to trouble the House with a few passages from it to show that the views which are now held by hon. gentlemen were put forward on that occasion, and we endeavored then, as far

as we could, to suggest some remedy. The report is in these words :—

"The Committee are of opinion that the forms and practice of the Senate are well calculated to prevent delay in the passing of Bills, or in the transaction of other business; but Bills will, according to the present practice, be sent up by the other House of Parliament, at so late a period of the Session, at to render it impossible to give them that full consideration which the public interests require. This complaint has been constantly made in the House of Lords and in the Upper Branches of the several Colonial Legislatures, and has formed the subject of repeated discussions, but no sufficient remedy has been suggested.

"The committee have had under their notice the modes of remedying the evil in question suggested by the committee of the House of Lords, in a report of the 7th May, 1861. These modes were either that some portion of the legislation which originated in the House of Commons should commence in the House of Lords, or that some alteration should be made in the forms and proceedings of the Commons which would enable it to devote more time and attention to legislative measures during the early part of the session.

"The Committee would observe that independently of financial measures, which begin as of course in the House of Commons, the representative character of that House, and the system of responsible government, rendered expedient that some other classes of important bills should be first discussed there; the committee are, nevertheless, of opinion that it would be quite possible to originate a much larger number of bills in the Senate than has hitherto been the practice in the legislative councils of any of the provinces of the Dominion. It appears to the committee that it must rest chiefly with the Government of the day to accomplish this; the business of Parliament will hereafter, the committee believe, be principally in connection with public measures, and in the hands of the Government, and it will depend upon ministers themselves in which House of Parliament many of these measures shall originate. The committee think that the public interest in the more thorough consideration of legislative measures, as well as in the dispatch of business, would be much served by a persistent effort on the part of the Government of the day to originate in the Senate as many measures as the law and usage of Parliament will permit.

"The Committee would further remark that the constitution, in establishing an Upper House of Parliament, composed of life members, contemplates on the part of that Branch a supervision, undisturbed by temporary political currents, and partisan warfare of the legislation of the day. It is impossible, the Committee believe, that the Senate shall adequately fill its place in the constitution, and discharge those functions upon which its usefulness to the country so much depends, unless ample security is given for the discussion in that House of all measures submitted for its consideration. In the absence of any other remedy, it might become necessary to secure this, even by the extreme measure of declining to consider bills, with certain exceptions, brought up from the Commons within a fixed period of the end of a session, but the Committee trust that other remedies may be found. The forms and proceedings of the Senate, the Committee think, are well adapted for the dispatch of public business; whether any change could advantageously be made in this connection in those of the House of Commons must be left to the wisdom of that House to decide."

That was the report which I prepared in 1868, and it stated the case as well as I was able to state it, and referred to the efforts made in the House of Lords to bring about a different state of things in England. In 1872, Mr. Wark, whose presence we are happy still to have amongst us, suggested to the Government whether some system might not be devised by which more business might be originated in the House. To this suggestion I replied—

"That committees had been appointed in the House of Lords, where the same difficuly was felt, but no action had been taken to remove it. The most important measures, of necessity, originated in the other branch. During this session, however, one very important measure, the Bill respecting Public Lands was before the House, and would be taken up next week. Bills respecting immigration societies, and on other subjects, would come up for consideration. So far as the members of the Government and the House were concerned, they had every disposition to initiate as many measures as practicable in that Branch."

It came up again in 1874, when a select committee was moved for at the instance of my hon. friend opposite, the member from Ottawa, seconded by the hon. Mr. Bureau :—

"That a Select Committee of seven members be appointed, namely: The hon. Messieurs Aikins, Botsford, Bureau, Dickey, Dickson, Miller, and the mover, to consider whether any facilities can be given for the dispatch of business in Parliament, especially in regard to the relations of the two Houses, who are to confer with an equal number of members of the House of Commons, for the purpose aforesaid, as desired by that House in their message received on Tuesday last."

I am not aware—perhaps my hon. friend from Ottawa will remember—that the committee reported. I have not been able to find their report, and I do not re-

member it, but attention was called to the matter, and there was then a joint committee of the two Houses on the subject. I have looked at the report of the debate upon that motion of my hon. friend opposite, in order to see what had become of the report of the committee or whether they had reported or not, but there is nothing said about it. The motion having been made by Mr. Scott, my hon. friend beside me, Mr. Botsford, said that—

"If the Commons had adopted the same standing order adopted by the Commons in England it would have facilitated the business of Parliament. He said that body had relaxed in several very important particulars the rules with regard to bills, which might not only be initiated in this House, but also dispensing with penalties, as tolls or fines to a certain extent, which carried out any particular machinery which did not impose a burden upon the people."

My hon. friend knows that that has since been done. The report continues :—

"It struck him that if that principle were adopted by the Commons here, and if they passed the standing orders adopted in England, and relaxed the strict rules which had governed them with regard to bills issuing from the Senate as respects tolls, fines and penalties, many bills might be introduced here not now presentable. He took for granted that the reason for the Commons appointment of a Committee on this subject was to give the Senate a better opportunity of considering the important measures passed during the session. Many coming up at an advanced period could not receive the deliberate consideration they were entitled to. He would approve of the appointment of a committee to meet that of the Commons and ascertain their object. If they could thus accomplish the object of the motion, they would expedite the business of Parliament and not defer the discussion of vital measures in the Senate until the last hour of the session."

The debate was continued by Mr. Dickey, Mr. Wilmot and Mr. Letellier St. Just. In 1881, Mr. Speaker made the following allusion to the course of business :—

"Last year I felt it my duty to enter a very earnest protest against the manner in which legislation had come up from the other branch of Parliament, at the close of the session. I think it is only fair, under the altered circumstances this year, to compliment the Government on the decided improvement which has taken place in that respect during the present session of Parliament. We have had very important measures initiated here, and had full time to discuss them. We have not, on any one single day, up to the close of the session, been behind with our work, a very unusual thing, and one which, perhaps, has never occurred before, since Confederation. We have been able to keep up with it and give it all the time that we thought it deserved. I must say, I think the Government is not in a position to be animadverted upon this session for the manner in which they presented measures to this House, and I only hope that the good departure they have made this year will be followed up in subsequent sessions, and that we will be able to congratulate them in the same way at the close of future sessions."

That was the speech made by the hon. the Speaker, in consequence of some criticisms which had fallen from some member of the House, with reference to the manner in which the public business had been conducted during that session. It so happened that year that, in consequence of the earnest exertions made by myself, the bulk of the Government business originated here. In 1883, these measures were introduced in the Senate: Acts respecting the Civil Service, Superannuation of Officials, the Judiciary, Penitentiaries, Naturalization, and Booms and other Public Works. During this session there have been introduced in this House the Bill respecting Titles to Lands in the North-West, and, although not yet in the shape of a bill, the Consolidated Statutes. I think, therefore, that a very fair effort has been made, as far as the forms of Parliament will permit, to distribute, if possible, more evenly than has been the case, the work before Parliament. As the House well knows, it is almost impossible to do that thoroughly, under our present system. Of necessity, the greater part of the important measures of the Government, are introduced in the other branch of Parliament, for two or three reasons. In the first place, the financial measures and measures concerning trade, of necessity, originate there. Then the fate of governments is decided there, and every effort made in parliamentary life, having for its object the defeat or upholding of government, necessarily falls to that House. Then, of necessity the majority of the ministers hold their seats in that House, and each minister very naturally and properly, and perhaps usefully, desires to introduce measures affecting his own Department himself; it follows, therefore, that the greater life, animation and business fall to that House, and that must be

the case so long as we enjoy responsible government—we cannot have it in any other way. I think there go many blessings and advantages with that, and we ought to be willing, I think, to submit to the disadvantages, and, as members of this House, to the inconvenience and unpleasantness of being here very often with but little work to occupy our time, and finding, very often, too, that the debates in which we take part are not attended with the effect that similar debates and resolutions following them would be if those debates and resolutions occurred in the House of Commons. These evils are incident to the system which we enjoy, and I think we ought to submit to them cheerfully. I have said this much with reference to the past business of the House, and to the almost impossibility of increasing more than has been done the extent and amount of business which comes to this branch of Parliament. The only remedy which, I think, has not been tried is the one which was suggested by my hon. friend from Prince Edward Island, and was mentioned by him as what might be done by a compact between the leaders of both Houses. That has been tried in another way in the House of Lords and in the House of Commons in England. There they have appointed a joint committee, certain officials, the Deputy Speaker of the Commons and the Chairman of Committees of the House of Lords. All private bills are submitted to these two officers before Parliament assembles, and they decide which should go to the House of Commons and which to the House of Lords. That is done under a practice much more strict than we have, and which perhaps we could not imitate, a practice which makes it necessary for those who apply for private bills to have them in the Private Bills Office so many days before Parliament meets, and makes that an absolute rule from which there is no departure. Under the rule which requires that all bills shall be in the Private Bills Office ten days before Parliament meets, these officers have an absolute table showing the number of bills to come before Parliament, and what they are about, and therefore they can sit down and divide those bills between the two Houses; but we cannot do that. We know here, from one cause or another, chiefly because of its being convenient to the public, that we allow private bills to be introduced at almost any time. The course has been constantly to fix a day beyond which bills cannot be introduced, and then to enlarge that from time to time until towards the end of the session. Suppose we were to adopt the plan proposed by the hon. member from Prince Edward Island, we should have to do away with that convenience, if it is a convenience, to the public, and adopt a strict rule that no bill should be introduced in either House which has not been placed in the Private Bills Office at least ten days before the session. It might be a very good rule and one which, with some practice, might be attended with great convenience to the Parliament and to the public, but for some time, at all events, we should be pressed very closely not to insist upon it. Taking all things into consideration, the system of responsible government, the fact that a large majority of the members of the government must be in the other House, the power of that House over the fate of governments, the necessity of financial and trade measures and important things of that kind originating there, I do not think that anything more can be done in the direction of bringing business to this House further than that which I took occasion to mention in the report of 1868, which was that it must rest with the Government to do this. We have seen that what was prophesied in that report has come true, that more legislation has been initiated by the Government, and if the Government will, from time to time, endeavor to originate more bills in this House than they have done, I think that is the only remedy unless there be one found in the change of practice suggested by the hon. member from Prince Edward Island. That this Government has done more than its predecessors in that way, or that they have done more or less than we have done, I do not attempt to argue. I believe they did their best, and I am quite sure that we have done our best. I know, myself, so far as I could use influence or persuasion, or endeavor in any way to bring Government measures to this House, it has been my constant effort to do so. In some cases I have succeeded, in many

I have failed, but it has never been for want of attention or desire.

With reference to the constitutional question which the hon. gentleman from Niagara, and others, have discussed at great length, I do not feel, as a member of the Government, that I am at liberty to pass an opinion. I can state what the difficulties are in the way of the suggestions which have been made, but I do not desire, and I think it would not be proper for me, to express any opinion of my own. The hon. member from Prince Edward Island says he thinks that there is no difficulty in the way of an elective chamber, except the large size of constituencies! Now, I think there are other and serious difficulties in the way of an elective Senate besides the one of the extent of the constituencies. The great difficulty, I think, far beyond that, is how to work responsible government. Supposing you have two elective chambers, how are you to work responsible government? To which of these two chambers is the Government to be responsible? They cannot be responsible to both, because the two Chambers might be in antagonism, and the Government could not serve two masters. I do not see how you are to get over that difficulty; and there was this further difficulty which we felt. I beg to state to the House that I have been a member of an elective as well as of a nominative body, so that I am in a position to form some opinion as to the relative advantages and disadvantages of the two systems. I do not remember when the Legislative Council of Canada was made elective, that the increased prestige came in the way that the hon. gentleman from Prince Edward Island supposes: I think it did get more attention from the country because there were more members, and because they were elected, and their elections created considerable interest. My hon. friend from Quinté will recollect that these elections occupied a great deal of the attention of the public; and the House, in consequence of that, acquired a certain amount of additional prestige in the country undoubtedly; but I remember that we all deferred very much to those who were life members at the time we entered the Council and that we felt their assistance was quite as valuable as any new light or influence that we, the elected members, brought into the House. Then there was this difficulty which arose, and which was a very serious one too; by making the Upper House elective you give its members a temptation to resist the Lower House, because they also represent the public. What is the difference between a member elected, as the hon. member from Quinté was years ago, and a member elected to the Lower House by a smaller constituency? Or the difference between the position of a member of the House of Commons and that of my hon. friend from York, who represented a constituency which sends two or three representatives to the Lower House, or my own position? It is very difficult to see any difference, and I remember in those days that, occupying the position of leader of the Upper House, I had the greatest difficulty in contending against the pressure made by some members of the House, not so much, if I remember right, in their speeches as in the corridors of the House, to undertake the initiation of money measures in the Legislative Council. I remember one hon. gentleman, a great friend of the hon. member from Sarnia, the late Malcom Cameron, who insisted for several days with me that we had the same rights as the Lower House and that we ought to exercise those rights, and I believe that very great difficulties would have arisen after a time in the Government of old Canada, on account of the elective character of the Legislative Council. You have these objections to an elective Senate, that you cannot carry it on consistently with responsible government because the Government cannot be responsible to two masters; you would have large constituencies, and the members returned to the Upper House by those constituencies could not be prevented from asserting to themselves the same rights, duties and privileges that members of the Lower House exercise. These are much greater difficulties in the way of elective legislative councils than the difficulty arising from the size of the constituency simply. The former difficulties are constitutional and inseparably connected with responsible government; and if that system is productive of good to the country, as I believe it to be, I do not think there is any way of working it if you

make the Upper House elective. Then comes the other suggestion, that its members might be chosen by the several local legislatures. Of course that would be possible, but it would be attended by the same difficulty, though perhaps not in the same degree, because these gentlemen, not coming from the people, might not assert themselves so strongly on financial questions. They might be more willing to subside to the position which we, as members of this House, occupy at the present moment. It seems to me that we have to choose between two systems: if we retain the British system of responsible government we must adhere to a nominative Senate, if we prefer the elective system we should be willing to do away with responsible government and adopt the American system, the two houses occupying a position analogous to that occupied by the House of Representatives and the Senate at Washington. But, hon. gentlemen, at this early period in the history of Confederation, merely a spot in the whole time which I hope will elapse before the confederated Dominion shall make any constitutional change, it seems to me, and I submit it to the House with great deference, that the time has not arrived when we should look for, or argue for changes; that we should be willing to enjoy the benefits and advantages that we have and make the most of them and endeavor to find remedies for anything that is wrong in the business between the two houses by other means; that we should patiently endure the evils which the system has possibly brought upon us and do the best we can with it and wait a much longer period in the history of the country than 17 years before we cast about for changes which may land us in a most uncertain position.

HON. MR. BELLEROSE—I do not rise to make a speech on this question. I suppose the hon. Minister of Justice has closed the debate; but while I approve of the greater part of his speech, and while my opinions are in the same direction, I cannot let the subject pass without taking exception to one of his arguments. He states that because the greater part of the ministry are in the other House, and members of the Government are generally desirous of presenting their measures before Parliament themselves, therefore it is impossible to introduce more government measures here. That, no doubt, is perfectly right, and it is one of the reasons why more measures cannot be inaugurated in the Senate. I believe that as many measures as can be inaugurated in the Senate under existing circumstances are brought forward here, and even more than this House ought to expect. I consider the Senate is a court of revision, a branch of Parliament where the legislation initiated in the other House has to be revised, and looking at things in that light I consider that most of the bills ought to originate in that House, and that the Senate ought to have little to do with the legislation in the beginning of the session. To my mind the Government is wrong in not having more members of the Cabinet in the Senate. According to the constitution, perhaps not the letter, but certainly the spirit of the constitution, there ought to be more Ministers in the Senate than we have. Of the 14 Ministers in the Cabinet there are 11 in the other House, and only 3 here. In England, it is well known, that sometimes more than half the Ministers are in the Upper House. Then there is another argument for it. The whole of the original confederation was divided into three groups, and when representation by population was accorded to the other House, it was determined that in the Senate the three groups should be equally represented—that is, that each group should have 24 members here, so that the three might be equally important and influential in the Senate. It is evidently contrary to the spirit of that arrangement to have in the Senate all the members of the Cabinet from one province; because it is quite clear that the province which furnishes the most Ministers in the House will have the greatest influence—greater influence than any province that has no representative on the Treasury Benches, and the influence will be all the greater if all the Ministers are from the one province, as is the case here. Therefore, to my mind this state of things is contrary to the spirit of the constitution, and should not be invoked as an argument in favor of the stand which the hon. Minister has taken, and which I take myself. I could not maintain my position by any such argument, and I have only risen to

take exception to that portion of the hon. gentleman's speech, feeling that this is a proper time to ask the Government to do justice to the other provinces not now represented on the Treasury Benches in this House.

HON. MR. PLUMB—At the end of this very long debate, I do not intend to occupy the time of the House but for a few minutes, but as mover of the resolution, I may be permitted to make a few remarks. I shall not review in detail the arguments that have been adduced by gentlemen who have spoken upon the resolution. One thing I may say, that I feel exceedingly grateful to all of them for the very kind manner in which they have spoken of the motion in connection with myself as the mover. I regret that my hon. friend from Ottawa, in addressing the House upon my motion, spoke of my speech as having gone very much beyond the specific terms of the motion, and having taken the House by surprise. I was very careful in branching off from the resolution to say that I asked permission of the House to diverge somewhat from the subject which was indicated by the notice as I had placed it upon the paper. That privilege I think was accorded me, and certainly what I said grew logically, although not directly, out of the motion I proposed. My hon. friend from Ottawa was pleased to say that we had no necessity here to pay any attention to speeches made at picnics and junketings, or to newspaper articles in regard to the constitution of this body. I can only say that if the hon. gentleman reads the newspapers from Ontario, he will find that a very serious attack on the Senate as at present constituted has been made, is now making, and will, I have no doubt, form a part of the policy of the party to which the hon. gentleman belongs; and I think under those circumstances it is hardly fair for him to say that such attacks are unworthy of the notice of this House, or that we should allow them to pass without attempting to vindicate ourselves in the direction which I attempted humbly to do in the speech which the House was good enough to permit me to make. I am quite certain that the long silence with which the Senate has submitted to attack, has given the public the idea that such censure has been deserved. As far as the initiation of legislation in this House is concerned I did not expect to make any suggestion which would force business into the Senate. I am quite well aware, as my hon. friend the Minister of Justice has pointed out, that in order to encourage the introduction of private bills here, it would be necessary to influence members who have charge of those measures with the idea that they would facilitate their passage by sending them here in the first instance. There are three or four weeks in the early part of the session during which we are very little employed, and in which we even take a long recess, because we have not business before us. We should persuade members of the other House that it would be to their interest to introduce their measures here, and I know of no other way of inducing them to do so except to bring it to their notice, and to bring it in some such form as I have suggested in the motion before the House. My hon. friend has shown that although after the Senate was first constituted a very suitable proportion of public bills was brought into this House, the legislation has fallen off from year to year until some sessions very few bills out of those submitted to Parliament have been initiated in this Chamber. At present the legislation is somewhat larger, because we are favored by having the representatives of two very important Departments in this House, both of which must add to the legislation of the Senate but, as my hon. friend has said, the Ministers in the other House will undoubtedly prefer always to inaugurate legislation for themselves in their particular Departments.

He has also well said that we are cut off very largely because we cannot and do not initiate bills here connected with the fiscal policy of the country. My hon. friend the member from Albert was very kind in referring to me in opening his speech. He and other gentlemen who have spoken on the other side said that in my resolution I admitted that this House is a failure; that it was inadequate to its position. I said no such a thing. I did not mean to be understood in that way. What I said was that I hoped there would be some means found to make the House fill its place more adequately. I do not say that it now fills it inadequately, and it is a very forced construction to put

upon my language, to say that I did. I had hoped that in a discussion like this something might come out which would be of advantage in influencing work for us. I did not venture to suggest anything, but I hoped that some proposition would be made by which the position of the House would be benefited, and although my hon. friend from Albert speaks of it as a mutual admiration society affair, I make no excuse for having attempted to draw the attention of the public, and of the House itself, to the constitution of our body, which, I must confess, on investigation greatly surprised me. I did not expect to find that this House comprises in its members, gentlemen representing so fully the professions, the commerce, the agriculture and the general business of the country; representing, I venture to say, in a larger degree—if I may be permitted to make the comparison—than the other branch of the legislature which is an elective body. And I argued from that, that as far as the representation of the country was concerned, a nominative body had been found to hold within itself the elements of the representation of the interests of the people in a degree that could scarcely be found in an ordinary elective body. That was not certainly an admission that this House did not adequately fill its position, nor was it intended as such. The hon. gentleman from Amherst was pleased to convey an impression which I am sure he did not intend to convey, as to the cause of the delays in bringing forward my resolution. I am not responsible for those delays. He said that this motion ought to have been disposed of in February, and it would therefore seem that I ought to have moved the resolution sooner than I did. The postponements have been made from time to time at the request of my hon. friend the Leader of the Senate, who was waiting for the statistics which he has now presented. In speaking of the position of the Senate, in relation to the other Honse, I stated that during the five years the Senate had stood in opposition to the Government of the day, it had only thrown out a certain number of bills, and I will refer to one of those bills the hon. member for Albert defended. I do not know whether he voted for it or whether he did not; I think he said, however, that he voted with the minority. That Bill was a measure to change the representation of a certain constituency in 1874, after the general distribution of the constituencies had been made in 1873. I think my hon. friend did not go quite far enough when he attempted to explain that matter. He said that the township of Tuckersmith which was to be tacked on to the constituency of South Huron at a time when there was no distribution, had been taken from it, and had thrown the constituency out of proportion, and this was a measure to restore it to its former position. My hon. friend should have explained that an election had already been held under that Distribution Bill, and he might have explained that the gentleman who was elected was unseated for gross bribery; that he expected to come back for re-election; and this was an endeavor to strengthen his position. That was why the Tuckersmith Bill was introduced, and I think it was a gross violation of the constitution, a gross violation of propriety, and it ought never to have been permitted, and the Senate threw it out.

Hon. Mr. SCOTT—My hon. friend must be mistaken: Mr. Cameron was the gentleman who had charge of the Bill in the other House.

Hon. Mr. PLUMB—Certainly, it is Mr. Cameron to whom I refer. Mr. Cameron was in the House, but proceedings were taken against him.

Hon. Mr. SCOTT—The hon. gentleman made the statement that Mr. Cameron had been unseated, and that this Bill had been brought in to so reconstruct the constituency that he could be elected.

Hon. Mr. PLUMB—The hon. gentleman must be aware that at the time the House was sitting, proceedings had been taken against the gentleman representing South Huron; and the hon. gentleman must be aware that it was intended to make that constituency an easy one, because the gentleman who advocated that Bill knew very well that he would be unseated, and that he could never be re-elected for the same constituency.

HON. MR. SCOTT—Subsequent proceedings show that that is not the fact, because Mr. Cameron has had a seat ever since for that riding, although the Government tried to gerrymander him out of it.

HON. MR. PLUMB—The hon. gentleman is not familiar with the facts. Mr. Cameron was unseated in 1874. He was not re-nominated; he went south for his health and was absent some time. Mr. Greenway was elected for the riding as an independent member. Mr. Cameron did not come back into that constituency at the time the hon. gentleman suggested at all.

HON. MR. SCOTT—Does the hon. gentleman from Niagara pretend to say that Mr. Cameron was not in the Commons when that Bill passed the Lower House?

HON. MR. PLUMB—I did not intend to say that.

HON. MR. SCOTT—The hon. gentleman said that the Bill was passed for the purpose of re-electing Mr. Cameron.

HON. MR. PLUMB—I say there was an election petition pending against him when the Bill was attempted to be passed, for the purpose of making his re-election easy. He was unseated under that petition and when he found that the Bill did not pass he did not stand for re-election, but went south for the benefit of his health. My hon. friend the member for Queens, and I think every hon. gentleman who has spoken on that side, has rejected the idea that it would be possible or even desirable for the Government to appoint any one who is not of the same politics as the Government of the day, to a seat in this House. He tells us that none of his friends would accept such an appointment. He finds fault with the partizan character of the Senate, and I make the humble suggestion that it would be desirable that some leading gentlemen on the other side of politics should be called to seats in this House. I am aware of the difficulty under which the hon. gentlemen complain, but I am met with no cordial response; on the contrary, I think no hon. gentleman who has spoken on that side has received that proposition except with scorn, or with objection. I can only say that I made the proposition in good faith and in all kindness. If the Senate as a nominative body is more largely represented on one side than on the other, it is because the people have chosen for a great many years to keep in power the Conservative party. When the other party came in, they nominated their own friends, and my hon. friend opposite is an instance of it. The only way that the present state of things could be changed if my suggestion is unacceptable, would be for the hon. gentleman and his friends to change the tactics that for years have kept them in the minority, and which are very likely to keep them in the minority for years to come.

HON. MR. POWER—Hear, hear.

HON. MR PLUMB—Hon gentlemen can take that kind of advice as they please in order to redeem the position of the Senate as a nominative body, according to their wishes, although I do not think it is likely to be very soon changed in that respect, and the attacks upon it ought to be repelled. Hon. gentlemen will have their chance when they get on the treasury benches. Evidently they do not desire that we should add to their numbers. I certainly would be willing, should that time come, to go over to the opposite side and cheerfully submit to fate, and I suppose the hon. gentlemen opposite are looking forward to the loaves and fishes, but I can assure the hon. gentleman from Halifax that it will be a long time before he partakes of his proportion of them. I was very glad to find that my hon. friend from Ottawa came out squarely and strongly with his proposition, that the Senate had failed to fulfil its duty, and that he was quite in accord with those gentlemen who it is stated, were attacking this body.

HON. MR. SCOTT—The hon. gentleman makes an entire misstatement there. He puts words in my mouth that I never used. He says I stated that I was entirely in accord with gentlemen who attack this body. I said nothing of the kind. My views were hastily drawn from me by

the wide range the hon. gentleman took in his speech. I spoke without premeditation, but I am quite prepared for anything that will place the Senate in the position it ought to occupy. I take no stock in the attacks that are made on the Senate; and I stated that my views were my own, that I did not share the outside views in any sense, and therefore the hon. gentleman ought not to put words in my mouth that I never used.

HON. MR. PLUMB—I apologize to the hon. gentleman if I misunderstood him. I certainly understood him to say that he was forced by the position I was taking to express those views. If I have done the hon. gentleman an injustice, I regret it; he knows very well that I would not think of doing him an injustice in anything I might say. I have done what I considered my duty, and I have attained my object in the motion which I have made. I supposed in doing so I was conferring some benefit upon the body to which I am proud to belong. I therefore leave the matter in its present shape. I am glad that it has brought out a discussion, but if I have in any way offended the hon. gentleman who sits opposite me I have certainly done it unintentionally.

HON. SIR ALEX. CAMPBELL—The hon. gentleman from Prince Edward Island, in the course of his remarks, asked how the business of the country is to be carried on in this House supposing the Reform party should come into power, with the Senate, constituted as it now is? The question arose in 1874, under the Government of Mr. Mackenzie. Then, as now, there was a large majority in this House who were Conservatives, yet the Government were able to carry on their business here. The hon. gentleman from Ottawa, with great ability, and no doubt under many difficulties, and with a great deal of opposition occasionally, and many efforts made to direct public attention to—I do not mean at all to express an opinion, but to what were considered the misdeeds and shortcomings of the Government, was able to carry on the business of the Government in this House. The measures of the Mackenzie Government passed the Senate with few exceptions, and those exceptions were justified on our side, though it was held on the other side that we were wrong. Although much opposition was offered, the Government were able to carry on their business. No doubt there were towards the latter part of their career many instances in which the Government was attacked on the motions of my hon. friend the Minister of the Interior, with motions for committees on steel rails, the Fort Frances lock, the Pacific Railway and other things, and no doubt these were not illustrations of forbearance. Nevertheless, if hon. gentlemen will turn their minds back anterior to that time, and apart from these side attacks, I think they will admit that there was forbearance on our part, for we might at any time have checked the public measures of the Government, if we had seen fit to do so, and I know that whatever feeling may have been aroused in the minds of members of the Liberal party by the motions I refer to, there was an earnest desire on the part of the then Opposition to receive fairly, and consider on their merits, all measures that came into this House, and so it will be done again should a change of government take place. I believe, although there may be many difficulties in the way of a Reform Government carrying on business in this House, that the forbearance shown by the Conservative members in the past would be extended to all measures introduced into this House by a Reform Government, and through vacancies caused by death, and by appointments of their own, they would, in the course of a few years, restore the equilibrium between the parties in this House; indeed had the Reform party succeeded in the contest of 1878, they would ere now have been able to have had a majority in the Senate, by the appointments which have fallen to us.

HON. MR. READ—It is quite evident that the measures which were rejected by the Senate when the Reform Government were in power, were measures that the country would not accept, because the Government, although they had the opportunity at all times to introduce them again, never did introduce them the second time.

HON. MR. PLUMB—Referring to the remarks of the hon. gentlemen from

Ottawa, in his previous speech, to which I referred a moment ago, they were :

"The hon. gentleman, strange to say, has not discovered what struck me as a weak point in his speech, that the Senate as at present constituted is, practically, a failure. It must be evident to anybody who takes an interest in the future of this country, that it is utterly impossible for the Senate to continue as it is. Its constitution must be altered, and at no distant day."

HON. MR. SCOTT—That was not the point. The point was, the hon. gentleman charged me with having shared in the outside attacks of the newspapers on the Senate. I said that I did nothing of the kind. The leader of the House is rather forcing me into making an observation or two on the claim which he makes for the then Opposition of having shown a great deal of forbearance in not throwing obstructions in the way of the Government in carrying on the business of the country. I made no reference to this in my speech, but I would now say that the chief embarrassment a Reform Government finds on coming into a House constituted as this is, that it is used for the purpose of guerrilla warfare on them. Committees are formed on which the Opposition have the majority, calling attention to the policy of the Government and criticizing that policy, and I say that a committee which is hostile to the Government, and makes a report to this body, and it goes to the public as the report of the Senate, has a great effect on the country. There is the weak spot. There is where an Opposition having control of the House is able to stab the Government. I do not call attention to instances, but my hon. friend knows them very well, and I protested against that view of the question. I protested in this Senate on two occasions when the Opposition were getting up a court of inquisition against the Government, that the Government should have a majority on the Committee, but we were voted down by the Opposition. This is really where the Senate damaged the Reform Government, and no doubt rendered very great assistance in the propagation of views hostile to the Government, and destroying if they could the reputation of a gentleman they now laud to the skies as the very personification of integrity and honesty—the then premier. He was then denounced as being capable of all sorts of iniquity ; now he is referred to by the same gentlemen as a high-minded and honorable man.

MANUFACTURING INDUSTRIES OF THE DOMINION.

DEBATE POSTPONED.

The order of the day having been called, for resuming debate on the Hon. Mr. Macdonald's motion, viz.:

That he will call attention to the report of the commission issued by the Government last year to enquire into the effect of the Tariff of 1879, on the industries and manufactures of the country, and will ask the Government whether the report will be furnished to Members of the Senate and a certain number to the country ?

HON. MR. McCLELAN moved that the order of the day be discharged, and that the debate be adjourned until to-morrow.

The motion was agreed to.

The Senate adjourned at 6 p.m.

THE SENATE.

Ottawa, Wednesday, April 22nd, 1885.

THE SPEAKER took the Chair at 3 o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (R), "An Act to make further provision respecting Pawnbrokers." (Mr. Gowan.)

Bill (S), "An Act to further amend the Act respecting Offences against the Person." (Mr. Gowan.)

BAPTISMS, MARRIAGES AND BURIALS.

RETURN.

THE SPEAKER presented to the House the return of baptisms, marriages

and burials in the district of Joliette, for the year 1884.

HON. MR. DEBOUCHERVILLE—By what law or regulation are those returns made here?

HON. SIR ALEX. CAMPBELL—That is a law of the old province of Canada which requires those returns to be made to Parliament, and it has been followed ever since.

HON. MR. DEBOUCHERVILLE—Those returns are made only from one province of the Dominion, and I cannot see any use in the practice being followed.

TRADE BETWEEN CANADA AND FRANCE.

INQUIRY.

HON. MR. PELLETIER inquired—

"When will the Service between Canada and Havre be inaugurated, according to contract between the Government and the Halifax Steam Navigation Company?"

He said: At the request of several parties who take great interest in the contemplated trade between Canada and France, I have put this notice on the paper.

HON. SIR ALEX. CAMPBELL—I have not the exact information. The contract has not yet been executed, but it is expected that the service will begin this spring, though I am not able to say that with any degree of accuracy. I believe the service will be commenced this spring.

THE COX DIVORCE BILL.

SECOND READING.

HON. MR. READ—I beg to present to the House the usual certificate of the Clerk of the Senate, as to notice respecting the Bill for the relief of George Branford Cox, and also a declaration of the service of notice on the respondent Emily Cox, by George E. Gard, Sheriff of Los Angelos, state of California, at Los Angelos; also declaration of Hilaire St. Jacques, of the city of Ottawa, telegraph operator, respecting a message from the Clerk of the Senate, telegraphed to the respondent and the reply to that telegram.

The papers were laid upon the table.

HON. MR. READ moved that proof upon oath at the Bar of the House of the service of the Bill, and notice of the second reading, upon the respondent, in the matter of the Bill for the relief of George Branford Cox, be dispensed with, and that proof of such service by declaration of the Sheriff of Los Angelos county, of California, before a judge of the Superior Court for the said county, be received as sufficient compliance with the rule of the House with regard to such service.

HON. SIR ALEX. CAMPBELL—It seems to me that the House might safely accept this service as sufficient. It seems quite clear that the wife has received notice of the intention of the petitioner to apply for a Bill of Divorce, and it seems also quite clear, by telegram, at all events, and by the acknowledgement of the agent there of the receipt of the telegram, that she has received notice also of the adjournment, and I apprehend it is established beyond all question that she knew of the intention of her husband and might have been here if she desired to defend her position.

HON. MR. KAULBACH—I do not rise to raise any objection to the Bill, but the 76th rule provides that a copy of the notice and the Bill shall be duly served upon the party from whom the divorce is sought, and proof on oath of such service adduced at the Bar of the Senate before proceeding to the second reading, "or sufficient proof adduced of the impossibility of complying with this regulation." I have no doubt that the papers received are sufficient to show that they were served upon the respondent, but there should be some proof of the impossibility of complying with the rule requiring that the proof be produced before the Bar of the House.

The motion was agreed to on a division.

THE SPEAKER announced that the petitioner was at the Bar of the House, ready to be examined.

THE SPEAKER.

HON. MR. READ moved that the examination of the said petitioner in this matter, as well generally, or as to any collusion or connivance between the parties to obtain a separation, be for the present dispensed with, but that it be an instruction to any Select Committee to whom the said Bill may be referred, to make such examination.

The motion was agreed to on a division.

HON. MR. READ moved that the Bill for the relief of George Branford Cox be now read the second time.

The motion was agreed to and the Bill was read the second time.

HON. MR. READ moved that the Bill be referred to a select committee composed of Hon. Messieurs Gowan, Nelson, McInnes, (B.C.), McKindsey, Sutherland, Carvell, Clemow and Turner, and the mover, to report thereon with all convenient speed, with power to send for papers and records and examine witnesses on oath, and that all persons summoned to appear before the Senate in this matter appear before the committee, and that the said committee have leave to employ a short-hand reporter.

The motion was agreed to on a division.

TEMPERANCE ACT AND LIQUOR LICENSE ACT AMENDMENT BILL.

SECOND READING.

HON. MR. VIDAL moved the second reading of Bill (92), "An Act further to amend The Canada Temperance Act 1878, and The Liquor License Act, 1883." He said: I do not propose, in moving for the second reading of this Bill, to make any remarks upon what is familiarly called temperance and prohibitory legislation, nor is it my desire to offer any opinion as to the constitutionality or expediency, the objects or effects of the Canada Temperance Act of 1878; these matters in my judgment being foreign to the Bill now before us, and not in any way necessarily connected with it. I propose to confine my remarks to such observations as I may think it necessary to make in order to explain the provisions of the Bill, and to show that this legislation is needed, and ought to receive the sanction of this hon. House. The Bill has a very simple object in view—to remedy certain defects which have revealed themselves in the Act to which I have alluded, and also to give effect to the evident intention of the law now on our statute book, which has to a certain extent been rendered inoperative by the legal decisions which have been given. These then are simply the objects of the Bill.

Now, it is a very common thing to speak figuratively of the provisions of an act of parliament, by which it is kept in operation, as machinery. I think it is a very proper and useful figure, and I purpose for a few moments to use it; and in extending it to this Bill now before us, I would say that it adds nothing to the machinery of the former Act, that no new or additional power is asked for keeping it moving, that it may be simply regarded as the applying a few drops of oil where friction has manifested itself and made it difficult, almost impossible, to work the law. But while it is thus very simple—and the illustration which I have used I think is appropriate as showing the trifling character of the amendments I am asking the House to make in the Act—the effect of neglecting to apply that oil to the machinery would be most serious, just as that neglect in a complicated machine would lead not only to its being made useless, but very probably to its destruction; so I contend that the refusal of Parliament to grant this necessary relief, this single drop of oil for the machinery of the Canada Temperance Act, would result in doing a vast deal of mischief and causing much confusion. But, while I think that this view of the Bill justifies my observation that it was one containing very few provisions, the whole scope of which might be comprehended in a few minutes study of it, I admit that it is one which in its effects is exceedingly important, and we ought not to lose sight of the consequences of the course we may take with reference to this Bill. Why do I think so? I think so because the attention of the country is directed to this matter, because the people are alive to the importance of the subject.

HON. MR. KAULBACH—No.

HON. MR. VIDAL—What do the numerous petitions which have been presented in this House this session, mean? Up to Friday last, 755 of them had been presented, not precisely asking for this Bill now before you, (I will explain to you why that was not specially asked for, and how these petitions originated) but simply asking that we will not do anything to lessen the prohibitory character of the Temperance Act, or make it more difficult of adoption or enforcement. In December last, a petition was got up by the parties adverse to the Temperance Act of 1878, who were feeling the pinching effect of it, although they say where it has been adopted it has been comparatively useless. They got up a petition which came under the notice of myself and other temperance workers. It was printed and sent over the country for signatures, in order to be presented to Parliament. That petition asked—after setting forth some not very accurate statements—that a majority of three-fifths of the voters be required to adopt the Act in any county or municipality in which it is to take effect. Immediately on that becoming known to myself and other workers in the temperance cause, we thought it desirable, if Parliament was to be petitioned for this object, which we considered unjust and calculated to hinder the adoption of the Act, that our views should be heard, too; and, in consequence, we have these numerous petitions which have been presented here this session. I know it is the habit of some hon. members to belittle those petitions. We hear remarks that many of the signatures are written with the same pen, and that no importance ought to be attached to these, but I appeal to the good sense and judgment of the House, even supposing that there was to a very limited extent some action of that kind (which, however, I do not admit), I think it cannot be shown to prevail to any noticeable extent, is it not evidence that throughout the length and breadth of our Dominion there are people well satisfied with this Act, and though it is sometimes very ill spoken of, is still one which is considered by many people as an Act calculated to promote the best interests of the country. Now, that petition which first attracted our attention, and which was really the origin of the petitions which have been presented to this House, has itself never appeared here, and why? It is not generally known, but I attribute it very much to the energetic action of my hon. friend from Belleville (Mr. Flint), who, immediately on its appearance, analyzed it very carefully and sent forth his analysis throughout the country, and it was such a severe cutting up of the petition—it made it so ridiculous—it pointed out its fallacies so effectually, that the council of the body which had issued it and urged its being signed, assumed authority to withdraw it altogether. Our petitions, however, had been sent far and wide throughout the country, and although we knew this petition had been withdrawn, we did not think it necessary to send word to our friends to withdraw their petitions; but we thought it as well to let them go on and give expression to the wishes of the people on the subject. I may be pardoned if I speak for a moment of the petition which was presented by the hon. member from Charlottetown (Mr. Haythorne) a day or two ago. It is one, I think, of very great importance, and one to which the attention of the House may very well be given and given carefully. I think even the hon. member from Halifax (Mr. Almon) will not venture to belittle that petition. It is signed by the Bishop of Charlottetown, by the Lieutenant-Governor of the province of Prince Edward Island and by upwards of 5,000 of the inhabitants of that province; and what does that petition ask for? It is not the ordinary petition that has been presented here this session, but an independent one expressing the views of a large number of the people of Prince Edward Island. That petition sets forth that in that province the three counties into which it is divided, and the city of Charlottetown, have adopted the Canada Temperance Act of 1878; that they find there are difficulties in the way of the enforcement of that Act, and that these difficulties are largely increased by the fact that they have no control over the manufacture and importation of spirituous liquors. The right to manufacture and import them still exists, while the right to sell has been taken away. They, therefore, petition, not for this Bill in particular, but that Parliament should give the Prince

Edward Island Legislature the power of passing a law themselves to prohibit the manufacture and importation of these intoxicating liquors in the province; or, if Parliament feels it beyond its power, or considers it imprudent to grant that, then they join in the petition which has been the closing prayer of all the petitions presented here by the friends of the Act this session—that an Act prohibiting the manufacture, importation and sale be passed for the whole Dominion. I contend that we have therefore very strongly on our side the province of Prince Edward Island expressing its approval of the Act which has been in force there for several years, and asking that it be made more efficient by further legislation.

We are often met, when seeking to obtain amendments to this Canada Temperance Act of 1878, by not so much an argument as a statement intended to throw a slight upon it, "oh, you are all the time seeking amendments to that Temperance Act. Every session we are troubled with bills amending that Act." Now, what are the actual facts of the case? It is well that those who make these complaints and charges against us should understand clearly and distinctly the facts about those amendments, and about the deficiencies and inaccuracies of this celebrated Act. There have been two amendments to that Act, and only two passed since 1878. The first was in the following year 1879. The greater part of it has nothing to do with the Canada Temperance Act, because it referred to the repealing of by-laws passed under the old Temperance Act of 1864, and it was mostly taken up with clauses relating to that. The only clause that really related to the working of the new Canada Temperance Act is one providing for the province of Manitoba, in which the Canada Temperance Act could not be brought into force, because the province was not divided into counties as contemplated in its provisions. The amendment was simply to provide that in the province of Manitoba the Act should be adopted in the electoral districts. Was that a very great or unnecessary amendment? I am sure every hon. gentleman in the House will assent to my view that it was a very small but a very necessary one. What was the 2nd amendment? It was ascertained not long after the Act was passed that there were a great many counties in the Maritime Provinces in which no licenses were issued. Many of them had been enjoying the benefits of almost total prohibition of this traffic for twenty years. When the Canada Temperance Act was adopted it appeared that the time for bringing it into force depended on the expiry of existing licenses. The intention of the law was of course to protect the temporary vested interests of the holders in the licenses given, that there should be no undue interterence with those rights for which they had paid, and it was to secure this object that these terms were inserted in the Act, never contemplating that it would be said that the Act should not be brought in force where there were no licenses to expire. However, judicial difficulties arose with reference to it, and the second amendment was enacted simply to say that where adopted in counties in which there are no licenses existing, the Act should be brought into force after the expiry of a certain time. Now, these are the only two amendments to that Act since 1878. It is said that this Act "with 133 sections and hundreds of sub-sections" is very defective. Now, what is the fact? There are 124 sections and some subsections, but very few of those relate to the prohibitory part of it, the most of them being in connection with regulations for the voting; but be this as it may, it has nothing to do with the Bill before us. I think it is the highest compliment that could be paid to those who drafted that Act, that with its 124 sections embracing a subject which was entirely new on our statute book, that it has stood the test of all these years of experience, and was only required to be amended in those two trifling ways. It reflects the highest credit on the framer of that statute. You will scarcely find any other act on the statute book of equal length and importance, that has not required a great many amendments. I think we can, therefore, dismiss that objection to the Bill.

Another reason why we should give careful attention to this matter and be very sure of the action we take with reference to it, is the view that is entertained of it in the country generally; and in order to bring this before you, I have taken the trouble to examine very

thoroughly, and to make careful estimates and calculations respecting the votes given for and against the adoption of this Act, in the counties and cities where it has been submitted. I intend to give the House a few figures which I have collated, because I think they are exceedingly valuable and important, and that they should impress this House with a sense of the immense importance of this permissive prohibition in the estimation of a large majority of the people of this Dominion. Since 1878 it will be remembered, that at first, in consequence of the uncertainty which prevailed as to whether or not the law was constitutional, it remained almost in abeyance for a long time, especially in Ontario, where we were afraid of adopting it until the question of its being within the jurisdiction of this Parliament was settled. Since that time, there have been 73 elections held under this Act. I use the word "Act" for convenience; I should technically say "Petition to the Governor-General," but it is a roundabout way of expressing it. The Act was adopted in 61 of the 73 municipalities, and was lost in 12. That is 83½ per cent. of victories and 16½ per cent. of defeats. Now, I think that these should be considered very impressive figures, when we see the large proportion of the municipalities adopting the Act, to those which have refused it. It may be also of interest to notice the voting about it. The total of all votes polled is 210,919. I may, however, here remark that while I have got from the Secretary of State an official statement of all the elections and pollings up to February of this year, that the returns from the counties which have recently voted on the Act have not yet been received at his office, and for these I have been dependent on the figures given in the newspapers, which, however, I take to be so nearly correct that they cannot be materially changed. The votes for the adoption of the Act numbered 128,693, and the votes against it 82,226, leaving a clear majority of those voting upon the question, in favor of the adoption of the Act, of 46,467.

HON. MR. ALMON—Can the hon. gentleman tell us what number of voters there were on the lists in those counties?

HON. MR. VIDAL—No, I have not been able to ascertain that, and I do not think my hon. friend can either, for he will find, even in the Parliamentary return which I have examined carefully, that there are too many cases where the total vote is omitted, to enable any one to make an estimate. I am going to make a remark on that point presently, because I am quite well aware that it has been made a ground of objection. I give the average of the majorities cast for the adoption of the Act and against it, as it may be interesting though perhaps not very important. The average majority for it was 761, and the average majority against it 356, less than one-half in the votings which have taken place. In the 177 contests for seats in the House of Commons, which took place at the last general election, there were only four members who secured a majority exceeding 1,000 votes; in the Temperance Act contests, of which there were only 73, there were majorities of over 1,000 secured in 24 places. Now, surely this is plainly indicative of the importance which people attach to this valuable measure, such large majorities being given; and of these large majorities there were three which exceeded 2,000 in each case; majorities such as never have been given for any Parliamentary candidate or for any other measure. These are facts which ought to impress our minds deeply as exhibiting to us the true sentiments of the majority of the people with reference to this Act.

HON. MR. ODELL—What proportion do these votes bear to the population of these districts?

HON. MR. VIDAL—That is the question that the hon. member from Halifax has already asked, and which it is difficult to answer. I have given a good deal of time to it and have not obtained the information.

HON. MR. SCOTT—The electoral districts and the counties do not alway correspond.

HON. MR. PLUMB—They do in most cases; they do in Wellington.

HON. MR. VIDAL—No, there is the city of Guelph, and in the county of

Brant there is the city of Brantford, and in Elgin the city of St. Thomas. It is exceedingly difficult, and in some cases impossible, to ascertain the exact figures, but I have, as it happens, taken a little trouble to try to throw light on this subject. To do this I have selected the six counties giving the largest majorities in favor of the Act, for the very purpose of showing the difference between the temperance vote and the political vote in those counties. Surely that is fair.

HON. MR. PLUMB—The full vote? The registered vote of the county?

HON. MR. VIDAL—No, the actual vote; I will give you what I have extracted from the returns at any rate. In the county of Huron, at the last general election, 9,290 votes were polled; at the election on the Temperance Act, 10,369, showing that however great the excitement may have been, and it is generally great at our Parliamentary elections, the interest taken in the Temperance Act was greater still.

HON. MR. PLUMB—What was the majority?

HON. MR. VIDAL—In the political election it was 686; and the majority for the Temperance Act was 1,655. I hope that will be satisfactory. In the county of Elgin the total vote polled was not so large at the election for the Temperance Act as at the general election. Including the city of St. Thomas, in the general election of 1882, the vote was 7,738; in the Temperance Act contest the vote was 6,301, so there was a considerable difference in the number of voters who came out. But look at the majorities; while in the political election the majorities amounted to 920, in the Temperance Act contest they were 1,874—more than double the number. In the County of Prince Edward, at the general election, there were 4,513 votes recorded; in the Temperance Act election, 4,004. The majorities were in the last general election 401, and in the Temperance Act election 1,874—more than four times the number. In Durham and Northumberland the vote for the general election was 5,771, and for the temperance election 9,913; and the majorities were in the former 499, and in the latter 2,187.

HON. MR. HOWLAN—What was the majority in the election in the city of Charlottetown?

HON. MR. VIDAL—It is included in Queen's County. We can tell the temperance vote separately, but we cannot tell the political vote separately, because both are in the one return to the House.

HON. MR. HOWLAN—What was the majority in the temperance vote?

HON. MR. VIDAL—The second vote in Charlottetown was 755 for, and 715 against the Act. In the county of Kent, Ontario, the vote polled at the general election was 4,814, and at the Temperance Act election 6,343; the majorities were in the former 202, and in the latter 2,303. In the county of Lambton, from which I have the honor to come, the political vote was 6,266, and the vote on the Temperance Act 6,014; the majorities were in the former 506, and in the latter 2,922. It has been reported to be 3,000, but the official return is not sent in, and the best return I have been able to get puts it at 2,922. Those are the results in the six counties giving the largest majorities for the Temperance Act, and you will observe that while in three of them the electors voting are fewer in number than in the political contests, in the other three there were fewer votes cast in the general election. I was interested particularly in the county of Cumberland, Nova Scotia, in order to give my hon. friend from that county (Mr. Dickie) a little information about the views of the people there on this subject. At the last general election the people in that county returned their member by acclamation and I was obliged to go back to the time when the last election was held there. On that occasion the majority for the successful candidates was 562, while of the 1822 votes cast in the Temperance Act election, 1560 were in support of the Act, giving the majority as 1,298. I think that these figures indicate very distinctly and emphatically the feeling of the country as manifested in different directions and clearly show it to

be constantly and decidedly in favor of the Temperance Act.

I will now give another proof which I think is a most important one, as to the value which is attached to this Act by the electors who have once adopted it; this value is sometimes questioned, but that it is recognised by those best able to judge will be seen by the votes which have been taken when the Act was submitted the second time. There are eight municipalities in which there have been two elections under the Act; in six of these the second election was brought on by those opposed to the Act, with the design of repealing it. In two of them it was brought on by the friends of the Act, where the former vote had been adverse; in the six counties and cities which had had the experience of the working of the Act for three years —and surely they are the best persons to decide whether the Act is beneficial or not in its operation—in all of these counties they refused to revoke it, and the second election re-affirmed and secured it to them, while in the other two, where it had received an adverse majority at first, it obtained a very much larger majority in its favor in the second election. In Lambton, my own county, the majority at first was about 100 against it; the vote in favor of it at the second election was the largest majority which has yet been given anywhere, 2,922. This I take to be a very emphatic declaration that where the operation of the Act has been tested in Canada, by people with the same thoughts, feelings, desires and habits as ourselves, there has been a clear decision in favor of the Act, and for maintaining it. It may be interesting to notice the difference in the aggregate vote at the two elections. I summed up the majorities that were in favor of the Act in the first voting, and deducting the majorities which were against it, got a total majority of 3,858. At the second election the total majority which was given for the Act was 6,031, showing, I think, very plainly the growing sentiment in favor of the Act both where it had been tried, and where formerly it had failed. It may be well perhaps that I should state before the House the present actual position of the Act with respect to the counties and cities which have adopted it, because the number of elections held, and the way I have given the figures, does not give a sufficiently distinct idea of the places which have now adopted the Act; in many of these it is not in actual operation, as a great many licenses have yet to expire. It had been adopted in Nova Scotia by 12 counties out of 18 counties and 1 city; in New Brunswick by 9 counties and 1 city out of 14 counties and 3 cities; in Prince Edward Island by 3 counties and 1 city—the entire province,—in Quebec, by 5 counties out of 56 counties and 4 cities; in Ontario by 24 counties and 2 cities out out of 45 counties and 10 cities; and in Manitoba by 2 counties out of 5 counties and 1 city. It will be noticed that I have not mentioned British Columbia; it is for this reason, that there has been no possibility of submitting the Act in that province, there being no division into counties there; one of the defects in the original Act, which it proposed to remedy by the Bill now before us. I have therefore had to leave British Columbia out of the question altogether. I might also observe that in my reference to Manitoba my calculation was based upon the division of the province at the time when those votes were taken. There was, I believe, a division of the province into counties made last year, but I have not been able to ascertain those divisions or to find out what counties are represented within the limits which had previously adopted the Act. This would show that 55 counties and 4 cities have adopted the Act, out of 141 counties and 20 cities, or about 36½ per cent. of the whole of the Dominion of Canada, exclusive of British Columbia. Now I think, although there is probably no particular importance to be attached to it, I might as well state, what has been of some little interest to me—the political party aspect of this movement. It used to be frequently charged against the adherents of the Conservative party that they were very much against temperance legislation; that the Liberal party was the party advocating and promoting it, and the party under whose auspicies the country might expect to obtain such legislation. In looking into the case—and the difference was much larger a few months ago, before the Temperance Act elections in Elgin and Lambton took place—I find that the 59 counties and cities which have adopted the Act are represented by 42 Conservatives and by 38 Liberals, in the House of Com-

mons, and that the 10 which have rejected the Act are represented by 12 members, 6 Conservatives and 6 Liberals, so that it is perfectly clear there is no great point to be made by either party against the other as to the political character of this great temperance movement. My desire has always been to keep it not only separate from, but above all party politics, for in my judgment there is no question more important or more intimately connected with the safety, the happiness and the prosperity of this country, than the great question, "What is to be done with this liquor traffic, and the common use of intoxicating liquors?"

I set these figures before you because I think it is exceedingly important that this House should be alive to the necessity of acting very cautiously and wisely with respect to this matter; that no hon. gentleman should allow mere prejudice, or personal feeling, or preconceived opinions, to influence him to act in opposition to such a decidedly and most widely expressed wish of the people for this legislation. I think, hon. gentlemen, that if this House should take an adverse view of this matter—if this House should reject this Bill, or should add to it, by amendments, anything by which its usefulness would be impaired or destroyed—it would take a responsibility upon itself which I shrink from thinking of, setting itself in opposition not only to the very emphatic vote of the House of Commons on this matter, but setting itself in opposition to the most clearly-expressed wish of the people wherever they have had an opportunity of showing it. In addition to the 59 which have adopted the Act, there are 30 places where the process is now going on, preparatory to its being submitted to a vote. There are now lying in the office of the Secretary of State, a number of petitions waiting only for their examination and certificate of correctness, to authorize the immediate issuing of the proclamation for the elections. Surely, it becomes us to take serious thought as to what shall be the action of this Chamber with reference to this Bill; and if it should be that this House recorded an adverse decision upon it what would be the effect? Why the good effect of those excellent, argumentative, and instructive speeches made by my hon. friend at my right (Mr. Plumb) and by the hon. gentleman for Amherst (Mr. Dickey) exhibiting the character, the functions, and judicious acts of this Senate, and placing us in a right position before the people, would be utterly lost; their impression on the country would vanish like a cloud, and the people would say, why should the Senate reject a Bill like that? What reason would be given? Is there any constitutional reason which can be adduced to explain why such action should be taken? The rejection of this Bill or the adding to it objectionable clauses, would do more to lower this House in the estimation of the public than all the abuse that has been heaped upon it, and upon its actions by the press and by individuals opposed to its existence, for years past. Such at least is my judgment on this matter. I fear that I have taken more time than I ought in making these remarks. I will now refer briefly to the Bill itself, and I hope to convince hon. gentleman that what I am pleading for is the simple thing that I claim it to be. The first clause is a simple provision. The Act which it amends requires that the petition for the vote to be taken, when signed shall be deposited for ten days in the office of the Sheriff or of the Registrar of the county. Difficulties have occurred where there are more than one Registrar's Office in a county. There is one case in particular in relation to which I have a very decided grudge against the Government for their action in connection with it. In the county of Perth there are two Registry Offices, and through want of care or knowledge on the part of the persons in charge of the petition, they deposited it in one Registry Office only. When it came here to be examined by the Government officer, it was found that it had been so deposited, and that, under the law, was not sufficient. But hon. gentlemen, will you believe it, that when the petitioners asked that the document might be sent back to them in order that it might be deposited in the Sheriff's Office, the request was refused, and they could not, and did not, get their petition returned. Was that fair? Was that just? Or was it in accordance with the spirit of the Act? Or was it a thing that would reflect any credit on anybody that had anything to do with it? Even though it were legally right, which I think questionable, I regard it as

a great stretch of red-tapeism not to have complied with the reasonable demand of the people that their petition might be returned to them. For fear of such an incident as that recurring, this Bill provides in the first section that the depositing of the Bill in any Registry Office in the county shall be sufficient. It is perfectly just and equitable that it should be so. It is not a petition that people wish to go and see. There are not a dozen people in the county that will go and examine a petition of that kind ; it is deposited in the Registrar's Office that the lawyers, or agents of those who are opposing the petition, or promoting it, may have an opportunity of examining it, and the requirements of the law would be just as fully met by the depositing of the petition in any one of the offices as in two or more of them. So much for the first section. Can there possibly be any objection to that amendment? The second and third clauses are similar to the clauses of the Act of 1879—doing for British Columbia what was done there for Manitoba. British Columbia has no counties, so there is no possibility of complying with the Act in that province ; it is likely that these provisions will require to be somewhat further amended in committee, as conference with the members from British Columbia has led me to believe that some alterations will be needed in order to extend to that province the privileges enjoyed under the Act by other provinces of the Dominion. The next clause is to amend section 96 of the Act, by adding on a feature which is found in other Bills, I believe, but even if it were not, it is proper to have it there, that is, that all courts, judges, justices of the peace and magistrates, judicial and other officers, shall take notice of such Order-in-Council in proceedings under the Act, without its being specially pleaded or referred to, and no evidence thereof shall be required to be given in any prosecution under the Act. Section 5 amends section 99 of the Act in two or three places. I must admit that the mode of making the alterations would be improved by repealing the old sub-section and substituting the new one amended, rather than by the way it is done here. It is quite true that the alterations are very simple, and that if a person has the original act beside him there is no difficulty in comprehending the meaning of the clause, but without the assistance of the other act these amendments are particularly puzzling. It is a matter which, when the Bill is in committee, that perhaps the Minister of Justice and the hon. member for Ottawa might decide as to whether it would not be desirable to change it and to repeal sub-section 4 of the old Act, and substitute the whole of the section with the alterations in it. Sub-section No. 2, section 5 is one that has been added in the other House, not at the request or with the cordial concurrence of the friends of the Act, but they have consented to it, and it comes up to us. It extends the privilege of issuing certificates to obtain liquor for medicinal purposes to priests and ordained ministers in such places as there may be no medical man residing.

HON. MR. PLUMB—That is Mr. Bourbeau's amendment?

HON. MR. VIDAL—Yes. Of course in nearly all our towns and villages, medical men are to be found, but I do not imagine that any evil is likely to result from this privilege being given. I do not think it would be likely to be used dishonestly or improperly.

HON. MR. PLUMB—You have not quite as much confidence in the clergy as you have in the doctors.

HON. MR. VIDAL—I am not speaking of any confidence in persons at all. A medical man, of course, understands what he is doing in prescribing liquor for medicinal purposes. The clergymen have not a knowledge of medicine as a rule, and therefore on that point alone I would not think it quite as expedient to extend the privilege to them ; but I do not think it will do any harm, and therefore have no objection to the clause.

HON. MR. McINNES—Attach the same penalty to the clergyman as to the doctor.

HON. MR. VIDAL—I think the same rule should hold in every case, that all who get the same privileges should come

under the penalties. Section 6 amends section 100 of the Act, and I think everybody will admit it is an amendment in the right direction. Strike out the words "not less than."

HON. SIR. ALEX. CAMPBELL—It is the only generous provision in the whole thing.

HON. MR. VIDAL—It allows the medical man to give his certificate, unlimited either as to smallness or largeness of the quantity prescribed.

HON. MR. PLUMB—Under the Act he could not give a certificate for less than a pint.

HON. MR. VIDAL—That provision was, I believe, made to prevent tippling in the drug store. Section 7 amends section 107 of the Act by inserting after the word "prosecuted" in the second line thereof, the words "and the penalties and punishments therefor shall be enforced." Professional men found that the Bill gave authority to prosecute, but did not give authority to impose and enforce penalties. Section 8 amends section 119 of the Act, correcting merely a clerical error of one word: I intended in my earlier remarks to have excepted section 9 from my statement of the amendments—being merely technical and clerical amendments, but inadvertently omitted to do so. Section 9 provides that—

"9. Section one hundred and forty-five of 'The Liquor License Act 1883,' is hereby repealed: Provided, that this Act shall not apply to any prosecutions or proceedings heretofore commenced and now pending, and, notwithstanding the repeal of the said section the provisions of 'The Canada Temperance Act 1878,' relating to offences, penalties and punishments, and the procedure relating thereto, shall, as to prosecutions and proceedings commenced after the passing of this Act, be in full force."

This, I may say, is the most important clause of the Bill. It is introduced for the reason that in New Brunswick the Supreme Court has given a decision that this clause 145 of the Liquor License Act of 1883 repeals the penal clauses of the Temperance Act of 1878.

Now, there are three sections, the 145th, the one preceding and the one following the 145th, that were inserted in that Act for the very purpose of enforcing the Temperance Act of 1878. It was thought in the Maritime Provinces that that law was not clear enough, and putting these clauses in was intended to enable prosecutions to be brought under that Act; but the Supreme Court of New Brunswick has decided that it has just the opposite effect, and repeals the penal section of the Temperance Act of 1878. I may be met by the statement that from what has taken place in the other Chamber, it is most likely that the Act of 1883 will be suspended for a time until a final decision is given as to its constitutionality. These three clauses which I have mentioned have been accepted by the Supreme Court judges as valid in their decisions. They consider those three clauses constitutional and in force, and, finding as we do, that they cause serious difficulty in working the Canada Temperance Act of 1878, it is thought not only desirable, but absolutely necessary, that that section should be repealed, in order that the Temperance Act may be maintained in full force and effect where it has been adopted. The tenth section merely authorizes the forms which are to be used, given in the schedule of this Bill, and the making of new ones in accordance with the provisions of the Act, when necessary. It contains, however, an objectionable word or line, which I do not intend to speak of at this moment, because when the Bill is in committee will be the proper time to refer to it, and suggest amendments.

HON. MR. ODELL—You say in clause 10 you give certain forms in the schedule, but in that clause you say new ones may be framed in accordance with the Temperance Act.

HON. MR. VIDAL—Yes.

HON. MR. ODELL—Now, who do you propose shall prepare these forms?

HON. MR. VIDAL—They are only to be changed if the occasion making it necessary should arise. I would suggest that this kind of discussion will be far more appropriate when the Bill is in committee, and we are going through its

clauses. I say, in general terms, that the schedules attached to this Bill are taken from laws now on the statute book, and they are the production of legal minds—of people who know the necessity of having these forms given, and the provision which has been alluded to that where no forms are prescribed by the schedules new ones shall be formed in accordance with this Act, is a provision which you will find in the Summary Convictions Act and other acts. Such are the features of the Bill. I think hon. gentlemen must admit that the amendments asked for are amendments to which there can be no possible objection. With a delegation of members of both Houses I brought the matter before the Premier, and talked it over with him, and he frankly admitted the correctness of my contention that Parliament having given the people the Act, and a large number of counties having adopted it in full reliance upon its being workable, we had a perfect right not only to ask, but to demand of Parliament, and that Parliament should accede to the demand, that the measure should be made perfect.

HON. MR. ALMON—The hon. gentleman is out of order. It appears to me very much like going out of this House to ask other parties to dictate to this House what it is to do.

THE SPEAKER—The hon. member for Sarnia is seldom out of order.

HON. MR. ALMON—The exception proves the rule.

HON. MR. DICKEY—It is the beginning this time.

HON. MR. VIDAL—It is really important to have such a high authority admit, as he publicly before us all admitted, that this Act we are contending for, we have a right to get, because Parliament is bound to make any law operative which exists on the statute book. I trust that hon. members will forgive me for occupying the time of the House at such length, but they will remember that from the beginning of the session until now I have not occupied half an hour of their time or contributed a single page to the Official Debates, with my remarks.

HON. MR. ALMON—I do not agree with what has fallen from the hon. member from Sarnia, that nobody has a right to move amendments to the Canada Temperance Act, or to find any fault with any of its clauses.

HON. MR. VIDAL—The hon. gentleman misrepresents me; I never said anything like that.

HON. MR. ALMON—Then I do not agree with those who think that nobody has a right to find fault with the Canada Temperance Act, unless it is those who are supposed to be in favor of its provisions. I think if the bantling is behaving wrongly we have just as much right to flog it as the hon. member from Sarnia. I shall proceed now to do so in my humble way.

The hon. member from Sarnia did not, as has often been done in the Senate, say that those people who are opposed to the Canada Temperance Act are either intemperate in their habits or not aware of the evil which is entailed upon this country by intemperance. With regard to our personal conduct, I think it will compare favorably with that of the parties on the other side, and I think that we, especially those of us who belong to the medical profession, recognize the evil of intemperance. Those who have sons to bring up always endeavor to inculcate the virtue of temperance, and to fill them with a horror of intemperance. I think our habits are very much the same as those of our friends on the other side. If an interviewer were to attend any of the dinners given by the hon. leader of this House and inquire what are the habits of those who advocate the Temperance Act, he would learn that the only persons who do not empty their glasses when filled are the hon. gentlemen from Belleville and Sarnia. Therefore, I may reasonably conclude that a measure for total prohibition would be opposed by every member of this House except these two gentlemen. I am opposed to this Act because I think it is a failure. That it is a failure, is, I think, apparent to everybody. I will give my own experience of it. In coming up to Ottawa in 1873, when I had the honor of being a member of the House of Commons, we were a long time on our journey. We stopped at

Portland, and some of the passengers stepped out of the train to fill their whiskey flasks which had been emptied. They saw a person outside who was entirely unconnected with the liquor traffic, apparently, and asked him if he knew where whiskey could be obtained? He said yes, that there was not the slightest difficulty about it, and he led them to a place where they procured it. He would not take any remuneration either in money or in whiskey for it; he did it of his own will. I had nothing to do with it, because in those days I drank nothing stronger than wine or ale. Our train broke down at a small village about 40 miles from Bangor. I went out to see if I could get a glass of porter. I went to a shop which was pretty well filled and called for a glass of porter, which I got and drank. I asked "is there not a penalty for selling this?" The shopkeeper said, "there is a very heavy penalty, but public opinion is against it, and there is not the least fear of any of those people who are in the shop informing against me. If they did their stay in this village would be very unpleasant." Now, I may be making a confession of having violated the law, but it is my duty to make it. About three years ago, I went to Yarmouth, a Scott Act county. It was in the autumn and I walked through the town, went to a hotel and asked for a glass of whiskey. I was told, "this is a Scott Act county, and you cannot get a glass, but you can get a bottle." I got a bottle of whiskey, and I found people in the hotel very glad to take what I did not want of it. I know that there is a great amount of drunkenness in Pictou and Colchester, where the Scott Act has been adopted; more than there is in Halifax county, where the Act does not prevail; yet people are not prosecuted for violating the Act, because public opinion is against it.

Now, about the petitions, I admit there have been a great many presented. I have had the honor—I do not know whether they were sent to me as a joke—to present a number myself, and I must say in looking over them I found that about one-third of the names were written by the same hand. I am not an authority in that line but I showed them to a number of others, and they told me it was their opinion likewise. However, independent of that, there was a large number, but how are petitions got up? I was reading last year a report of a speech made by the Rev. Mr. Brethour, a clergyman in the county of Halton. He said they had had great exertions to carry the Act there, and that every man that had capitulated "did so at the point of the bayonet." When a clergyman speaks of carrying anything by the bayonet he means of course a spiritual weapon, which is just as effective sometimes as a carnal one.

HON. MR. DEVER—It is a two-edged sword.

HON. MR. ALMON—Yes. A short time ago the hon. member from Sarnia introduced a petition in this House to prevent processions on Sunday with music and bands.

HON. MR. VIDAL—No; you are rather reckless in that statement.

HON. MR. ALMON—Petitions were presented of that character, and amongst them one from a fishing village near Halifax. Now, I do not think there is a musical instrument there larger than a Jew's harp; there are no roads, and the only way there could be a procession would be by the boats along the coast. I do not think there is a place in the country where the Sabbath is more strictly observed than there, where everyone goes to church on Sunday. Yet these people were represented as petitioning for legislation to prevent the desecration of the Sabbath by processions with bands of music.

My objection to this Act, and one reason why it is inoperative is, as I said before, that it is legislation for the rich and not for the poor. The man who can buy his ten gallons of liquor is allowed to do so and store it in his cellar. If he has a long purse and a good cellar he can have liquor; if he is a poor man, he is not allowed to get it. In the Lower House the friends of this Act rejected a clause allowing veterinary surgeons to prescribe spirituous liquors in the practice of their profession. I will mention a case where the big fly gets through the web and the small fly gets caught in it. Say a horse worth $400 is attacked by colic and the owner sends for a veterinary surgeon, who

prescribes gin. He asks, "have you any gin in the house?" The owner replies, "yes; the Scott Act is in force here, but I sent to the next county and got ten gallons of liquor." He procures a bottle of it and pours some of it down the horse's throat and in ten minutes the pain ceases and the danger is over. Now, take the case of a poor truck-man, who owns a horse worth $50. The horse is taken with colic in the same way, and the veterinary surgeon says the animal can be cured by the same means. But where is the poor man to get a bottle of gin? He says, "the temperance people have adopted the Scott Act here, and I cannot get the gin." There is no means of relieving the animal; the colic runs into inflammation; the horse dies, and the man loses his means of earning a livelihood; he is reduced to poverty, and all through the operation of the Canada Temperance Act, in which we are warned to make no amendment.

It is claimed to be a very perfect Act; if my hon. friends will allow me I will read some of its clauses. The 74th clause provides that any person carrying a stick to a polling place shall be liable to imprisonment for three months. It is as follows:—

74. The returning officer or deputy returning officer may, during any day whereon any poll is begun, holden or proceeded with, require any person within half a mile of the polling station, to deliver to him any fire-arm, sword, staff, bludgeon or other offensive weapon in the hands or personal possession of such person, and any person refusing to deliver such weapon shall be liable to a fine not exceeding $100, and to imprisonment not exceeding three months, in default of payment of such fine.

Those who, like my hon. friend opposite, the leader of the House, carry a staff in walking, must hobble home without one, or risk being sent to jail for a term not exceeding three months. Now, suppose you wish to suborn a witness for perjury, what is the penalty? You will find by looking at section 114 that it is $50:—

114. Any person who, on any prosecution under any of the said Acts, tampers with the witness, either before or after he is summoned or appears as such witness on any trial or proceeding under any such Act, or by the offer of money, or by threats, or by any other way, either directly or indirectly, induces or attempts to induce, any such person to absent themself, or to swear falsely, shall be liable to a penalty of $50 for each offence.

For taking a walking stick to the polls you may be imprisoned for three months, but for suborning perjury the penalty is a fine of $50. Is this the Act in which no amendment must be made, and for opposing which we are branded as being in favor of drunkenness? Now take the 112th section, which provides a severe punishment for assisting those who violate the Act. It is as follows:—

112. Any person who, having violated any of the provisions of the Act, or of any Provincial Act which is now or may be from time to time in force in any province respecting the issue of licenses for the sale of fermented or spirituous liquors, or of the Temperance Act of 1874, compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or persons with the view of preventing any complaint being made in respect thereof, or if a complaint has been made, with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, shall be guilty of an offence under this Act, and on conviction thereof, shall be imprisoned at hard labor in the common gaol of the county or district in which the offence was committed, for any period not exceeding three months.

Take the case of a poor widow residing on a place left her by her husband, a house and orchard. It is not at all an improbable case; it is one which happens very often in Nova Scotia. She sells as many of the apples as are saleable and the rest she converts into cider, and, as she lives a little way out of the village, she sells a glass of cider to anyone calling for it. For committing this enormous crime she is fined the first time $50, the second time $100, and the third time she is imprisoned for three months. We will suppose that the hon. gentleman from Sarnia is passing by her house as she is being taken away in custody of an officer of the law; she points to her orphan children running about in their ragged but clean clothes, and appeals to him for God's sake to spare her. Before my hon. friend was a temperance man, he had a heart to feel for the woes of others, and I am sure he would even now say, under the circumstances, "let this poor woman off." They say that cider is an intoxicating drink, but I should be sorry to have to drink enough of it to produce the slightest symptom of

intoxication. Now, if the hon. member were to assist a poor woman under such circumstances, I would say that he had done a praiseworthy act, but let us see what punishment the Act provides for such conduct? You will find it in section 113, which is as follows :—

113. Every person who is concerned in, or is a party to the compromise, composition or settlement mentioned in the next preceding section, shall be guilty of an offence under this Act, and on conviction thereof, shall be imprisoned in the common gaol of the county or district in which the offence was committed, for any period not exceeding three calendar months.

The penalty is three months imprisonment, and therefore the hon. member from Sarnia, in the goodness of his heart, having let this widow off, is imprisoned for three months. If, instead of getting her off in that way, he had suborned a witness to swear that she had not sold the cider at all, the extreme penalty for the offence would be $50. Is that an Act which should not be amended? On that point, at all events, I think the hon. member from Sarnia will admit that it is not. Now, there is another feature of this Act, which the hon. member from Barrie and all the other lawyers who spoke a few days ago against the Bill permitting defendants in criminal cases to give evidence on their own behalf, will deprecate if they are consistent. That measure was hooted down in this House. There is a clause in the Scott Act which makes the wife of an accused person a compellable witness against her husband, and the husband a compellable witness against the wife. The section is the 123rd by which you see that "the person opposing or defending, or the wife or husband of such person opposing or defending, shall be competent and compellable to give evidence in such matter or question." Is not that word "question" very well put in that clause? What was the meaning of examining a person by "question" in olden times? The rack, the wheel, the boot. I give credit to the hon. member who framed this Bill for having put in that word, for certainly if anything would put a person on the rack it would be compelling the husband to give evidence against the wife, or the wife to give evidence against the husband. I think the hon. judge and all those who deprecated legislation which would allow a prisoner to give evidence in his own case, will certainly prevent the wife being compellable to give evidence against her husband.

I had a conversation the other day with one of the largest distillers in the country, whose establishment pays $3,000,000 in excise duties every year. The whiskey that he manufactures is kept in wood for two years from the time it is distilled, without being sold. The first year it loses 9 per cent, that is fusil oil and ether. The next year it loses 3 per cent, and after that the loss is very trifling. The liquor, therefore, that you get from such an establishment you may say is pure. There are 2,000 cattle fed on the grain from this distillery, and exported yearly, and the manure is given to the neighborhood, and what cannot be got rid of in that way is thrown into the lake. In fact, the proprietor is going to put down 40 acres of land under tobacco to consume the manure that he cannot get rid of. Suppose this country were to adopt a prohibitory liquor law, how long would we be without illicit stills? In Ireland and Scotland we know that illicit distillation was carried on for many years—I am not certain that it is not carried on to this day. There is a large army in Ireland employed to suppress illicit stills. Can you do that in Canada? I do not think it; there is not a wood or hillside in the country that would not have its illicit still, if prohibition were adopted. One hon. member explained to us how coal oil was smuggled into Canada in barrels which were thrown into the St. Lawrence and floated over when the wind was favorable. Would not the same be done with whiskey? In that case there would be no fusil oil taken out of it; it would be put into the barrel as it came from the still, fusil oil and all. The result would be that the country would lose a large amount of revenue, without any compensating gain. If this one distillery pays $3,000,000 a year, what is the aggregate excise duty collected? What are the sums derived from licenses in the different counties and towns? All that must be done away with. Likewise the inns and hotels; the great part of the profit in eating houses and inns is derived from the liquor sold, and the price for accommodation at those places would be very much increased if the sale of liquor

was prohibited. If we were able to put down intemperance by that means I should likely approve of this Act, though I am like my hon. friend from Belleville in thinking that a ten-gallon temperance act would not commend itself to me. Now, who are the persons who are authorized to sell liquor under this Act which nobody is to find fault with or to amend? The druggists, and we know from the returns from Halton what quantities they can sell. If you were on your bed sick, and a messenger were sent to have a prescription made up which was wanted immediately, he might find the druggist engaged in supplying liquor to applicants, and have to wait until they were served. Bear in mind that the man who fills your prescription is the man who sells the liquor, and who, it is quite possible, may be inclined to indulge in the article he sells. In some of those prescriptions the slightest error might be attended with fatal results. Take for instance morphia, strychnia and other drugs; yet the druggist is the man who is deputed under this Act to sell liquor. I had not the making of that law, but if the hon. member who framed it and my hon friend from Sarnia, who knows how decidedly I am in favor of temperance, had consulted me I should have advised them not to place this traffic in the hands of the druggist. If my hon. friend was not so strongly in favor of the Temperance Act I think he would see that in this respect, at all events, it should be amended; but of course this bantling of his has no faults; it has always a clean face and never a dirty nose. My hon. friends from British Columbia are united in opposing the introduction of the Chinese into this country. They do not think, as I do, that people of every race should be free to enter and leave the country as they please. One of their objections to the Chinese is that their presence here tends to increase the consumption of opium. Will my hon. friend from Sarnia tell me that the effect of the Act will not be to increase the consumption of opium? Will he tell me that the use of opium, chloral-hydrate and laudanum is not becoming more extensive, and that they will not be consumed in a much greater degree, if a Temperance Act should come in force all over the Dominion? I have always given my hon. friend from Sarnia credit for a good deal of sense—combining with a good deal of the wisdom of the serpent, a small dash of the harmlessness of the dove. He will acknowledge, I think, that what I have said is correct—that the druggist should not sell liquor, and that prohibition would increase the use of opium. I am opposed to intemperance, and what is the reason that it so prevails in the land? The reason is, that the temperance people have diverted public attention from the right way to put down intemperance and have led them to suppose that it can be prevented by this chimera of a Temperance Act. What ought to be done is, to pass a good License Act, and not only to arrest the man who is found drunk, but to punish the man who made him drunk. Take the police reports and you will find every day that persons who have been found drunk are fined or imprisoned, but no fine is imposed on the men who furnish them with the liquor. Suppose you were to give those persons who sold the liquor, three months' imprisonment, do you not think that they would be deterred from selling liquor to drunkards again? Could not the names of habitual drunkards be handed in to the authorities and furnished to licensed liquor sellers, so that there need be no mistake as to the character of the persons applying for liquor? Would not that put down intemperance? I would not confine it to the selling of liquor. If a person is taken up for drunkeness, and it is found that he was dining at the first house in Ottawa, the person who turned him out of his house in that condition should be punished. I do not favor lowering the franchise, but I am in favor of giving the poor man equal rights with the rich, and I say that the rich man in whose house any one is made drunk should be punished just as severely as the saloon keeper, who in earning his livelihood makes people drunk, or punished with even greater severity. The hon. member from Sarnia, though in favor of temperance, never advocates a measure of that kind. I may be dogmatic, but I am convinced that such legislation would do more to put down intemperance than any sumptuary law or prohibitory legislation that has ever been suggested.

HON. MR. GOWAN—I think that my hon. friend from Sarnia has made out a very clear case in favor of the measure that is before us. He has shown in detail that the measure is not one for the introduction of any substantial variation in the law as it exists, but merely to give completeness to the Act that is upon the statute book. Everyone who is familiar with these matters knows the dfficulty of expressing clearly and accurately in appropriate language, everything that is necessary to cover circumstances that may arise, and by reason of that not always being done, questions are every day occurring in the construction of the law, that are due to the imperfect expression of Parliament in framing the laws, or due to the fact that certain circumstances and conditions in different parts of the country were not adequately considered, or were not fully in the mind of the Legislature at the time the Act was passed. Hon. gentlemen well know that it is the individual litigant who pays for settling those questions, it is not the country at large. The litigants have to pay for the settling of those questions as they arise—questions growing out of an imperfect expression by the Parliament of the country in the Acts that they have passed. I shall guard myself in speaking on this subject. I do not think that this is a question as to whether the Scott Act is, or is not, based in all particulars on just and sound principles, or is framed with a proper regard to vested rights. I desire to separate that entirely from this discussion, and I think the hon. gentleman from Sarnia has, in his remarks, put forward the same view. The object of this Bill is simply to complete that which was left incomplete by the Parliament of the Dominion. I may say, with regard to the Canada Temperance Act, which my hon. friend from Ottawa introduced when he was a member of the late Government, that it is a marvellous thing that it has stood the heavy strain which has been put upon it. Not merely conflicting interests have opposed it, but it has been opposed by a thoroughly organized opposition, and yet it has been found that only in those few particulars is it required to be amended. My legal friends will know that the Statute of Frauds, consisting of some twelve or thirteen clauses, cost half a million pounds sterling to settle the meaning of it. Every single word, I was almost going to say every single letter, in that celebrated statute was subject to judicial construction, for settling which the individual litigants had to pay. Of course it affected very large interests, and it touched the many contrivances of those who resorted to fraud to carry their purposes; but it had no organized opposition to meet as this measure, the Scott Act, has had; and I think it is a marvellous thing that the statute has stood so firmly against the numerous assaults that have been made upon it. I think it reflects the highest credit on the care, prudence, ability and skill of the hon. gentleman from Ottawa, and I think it is almost the only Act now on the statute book, with the exception of some that Sir John Macdonald introduced years ago, which remain to this day, having stood the severe test of practical operation. The hon. gentleman from Sarnia has not sought to make any substantial alteration in the law. He asks what is very reasonable—that Parliament should give effect to its own enactments, and that the language that is imperfect in it shall be made clear. There are persons claiming that they have not infringed the law, and various suggestions have brought almost every part of this Act into dispute, and those few points that are referred to are all, so far as I am capable of forming a judgment, which the Parliament did imperfectly when the Act was being passed. I cannot say that I attribute any fault to the draftsman who prepared the Act, nor is there any fault to be attributed to Parliament for those errors. Some of them involved local knowledge which my hon. friend from Ottawa could not have had when he brought in the measure. Even now in the Bill introduced this session, my hon. friend on my right has discovered that there are slight verbal alterations required to suit his province, so that local as well as general knowledge is necessary in order to frame a law of this kind. I have gone over every single clause of this Bill, and I can see in it no substantial alteration of the law as it stands. To open a discussion upon the general merits of the Scott Act, I think would be out of place in considering this Bill. There are differences of opinion amongst those who are most earnest and strictly temperate people, with respect to

the Scott Act, but I think it is quite unnecessary to import a discussion of that kind into the consideration of this Bill. Doubtless all the arguments against the Scott Act that could be urged have been already submitted to Parliament, but in the face of those arguments the Legislature was convinced that it was a wise and proper measure, and it was allowed to become law. We have not now to deal with it, as it is on the statute book, and we are only asked—applying the very appropriate simile of my hon. friend from Sarnia—simply to grease the wheels, that certain cogs, or certain bearings of the machinery have been found out of gear, and we are asked to set that right, and I think it is the duty of Parliament to do so. It is only just that errors which have arisen from the Act of Parliament should be set right by Parliament itself without touching the principle involved in this measure. I do not wish to be at all misunderstood on the views that I hold with regard to the Scott Act; this is not a question as to whether the Scott Act is based only on sound and just principles; it is simply to correct errors that have been discovered in the actual working of the law. I will support the measure that my hon. friend has introduced, although there may be some trifling amendments necessary when it goes into committee of the whole. With regard to the forms which have been referred to I think that that expression, or a somewhat similar expression, "other forms may be framed in accordance with the Temperance Act," will be found in some other Acts of Parliament. To my mind the forms are most essential particulars to be elaborated before the Act is administered. It is almost impossible to frame forms that will exactly suit the circumstances of every case, and where there is a hostile opposition, the forms will be criticized with particular severity, and therefore it is necessary to make a statutory form which by being on the statute book is known to be good, and will be held to be good and sufficient. A general form for information was necessary, and forms for lawful sale in different cases, forms of permit for manufacturing native wines, etc, varying according to the facts; a general form of summons of witnesses, a form of conviction for first offences, a form of conviction for second or subsequent offences, a form of warrant for commitment—all are necessary forms. They will save those who have the enforcement of the Act from possible danger, and save the magistrate possibly from trifling errors that he might make; save the officers who execute the processes from having actions instituted against them; save the courts from loss of time, and the parties the expense of having questions that arise settled by a judicial tribunal. Those forms have that object in view; they are in keeping with the general provisions, and none of them enlarge substantially the scope of the Act. I shall have great pleasure in voting for my hon. friend's Bill.

HON. MR. PLUMB—I do not altogether share the view which my hon. friend from Barrie has taken, or my hon. friend from Sarnia has taken, with respect to this measure. I highly respect the zeal and sincerity which have characterized all the movements of my hon. friend on my left (Mr. Vidal) and the candor he has exhibited. I have had but one opinion of the Scott Act from the time it was passed. I opposed it then, and voted against it in the House of Commons, but since then I have always taken the position that, the Bill having become law, any clerical error or mistake in the Act should be corrected. However, this is a different matter altogether. The point in this Bill is the 9th section. That section goes outside of the Scott Act to repeal an important clause of another Act, which has been sanctioned by Parliament, but which has not yet been put in force. An appeal upon it has been taken to the Privy Council. I understand that there is a Bill now pending to suspend the operation of that Act for the present, until the decision of the Privy Council on the appeal could be obtained. I do not feel willing, pending that legislation, to interfere with that Act. It is not necessary that it should be interfered with, because although it might clash with the Temperance Act of 1878, if it were in force, it cannot clash with it if it is not operative, or made operative. As I understand, by the legislation which has been introduced in another place, and which will undoubtedly become law this session, the operation of the questionable clauses of the Liquor

License Act will be suspended. There can be no objection on the part of the gentlemen who support the Canada Temperance Act to the suspension of the Liquor License Act, and of course there can be no objection on the other side to its suspension. Pending that legislation, and pending the application of the Act of 1883, which we have formally adopted by a large majority of Parliament, I think it would be unwise to encumber the statute book with amendments of this kind.

HON. MR. DICKEY—Hear, hear?

HON. MR. PLUMB—It is acknowledged by my hon. friend from Sarnia that the amendments which he has asked for are of no importance; that they are merely of a technical character, with the exception of clause 9. That clause was adopted in the other House before it was announced there that there would be a suspension of the Liquor License Act of 1883. That fact having been announced, in my opinion changes the entire character and position of this Bill as presented to the House. It is no use to urge that that Bill passed the other House. Admitting that it did, it passed it by a narrow majority.

HON. MR. VIDAL—A majority of 92.

HON. MR. PLUMB—That was the majority on a particular clause.

HON. MR. VIDAL—The hon. gentleman is mistaken. It was carried by a vote of 109 to 17.

HON. MR. PLUMB—I am quite open to correction, but whether it was or was not is beside the question entirely. The question is whether at the time that Bill was passed, it was understood that the vital section of that Bill, the section acknowledged by my hon. friend as being the vital section, the one section which it is desired,—I will not say by indirection—to get into this Act, is the one to repeal the 145th section of the License Act of 1883. That is the whole object of this Bill. The rest of it is not material to the working of the Canada Temperance Act. That Act has been on the statute book for seven years; it was carefully framed, undoubtedly, but it has the peculiarity of all sumptuary laws, such as the Scott Act is.

HON. MR. VIDAL—Oh, oh!

HON. MR. PLUMB—It is a sumptuary law. My hon. friend perhaps does not like the term, but it has the peculiarity of that law that you require an enormous machinery to put it in operation. Even the Act of 1883 occupies 55 pages of the statute book, and I think the Scott Act is not any less cumbrous, and even if it were desirable that this legislation should be passed, to bring a bill of this kind here and have it before us for two or three days, is it to be supposed that we who are non-professional men can ascertain the effect of these amendments by casually examining it and the Act together? It is quite unreasonable to expect it, yet it is that kind of vicious legislation which my hon. friend has acknowledged is asked by this Bill. There is another point in connection with the repeal of the 145th section of the Liquor License Act. The whole of this Bill, except the 9th section, is legislation upon the Temperance Act of 1878. I think it is vicious legislation to embrace the two Acts in the same Bill. I am in the judgment of the House in making that statement, and no remarks of mine are made in any hostile sense to the gentlemen who I know are sincere in their advocacy of this measure. I must claim equal earnestness and equal sincerity in the position which I propose to take. I have no personal interests at stake in the measure, and I have no commitments with respect to it—no political commitments. I do not stand in a position where I have to appeal to any society, or to any constituency, as to how I am expected to act with regard to these matters. I have no necessity to vindicate myself by any extra zeal or enthusiasm, to procure legislation upon those subjects. I do not myself lay as much stress upon the action of the people in regard to this measure, as has been laid upon it by my hon. friend. I think it is somewhat beside the question, because it is not the Scott Act that is now on trial at all. This Bill merely asks for certain amendments to the Scott Act; the Act itself is not on trial, and therefore any arguments pro and con in respect to the

manner in which it has been received are beside the question, and I will venture to say that nothing can be more deceptive than throwing into this House, or into the other House, an enormous number of petitions, some having a dozen signatures, some 20, some 30, all sent in (all that I have received at all events) from a central office in Toronto, where it is made the business of an organized staff to procure petitions. We know very well how easy it is to obtain signatures to petitions; we know that very few people refuse to sign them when asked to do so, and it is impossible to know that the people who do sign them have anything to do with voting for the Scott Act, or with the carrying of the Act, whether they are minors, whether they are women, or whether they are voters or not. Of course the sacred right of petition is the last right I would object to or propose to hamper. I understood my hon. friend from Sarnia to say that there were 755 petitions, and we will give them an average of 50 signatures each.

Hon. Mr. VIDAL—There was one presented yesterday with 5,000 signatures.

Hon. Mr. PLUMB—Admitting there was one with 5,000 signatures—say it was 50,000, it is only the population of a couple of counties. My hon. friend made a particular point of the results of the votes upon the Act where it has lately been submitted in this province. Before I refer to that I may say that it must be borne in mind that any Act of this kind where it is applied to an isolalated portion of the community may be put in force, when it would be impossible to do it were it to cover the whole province. Every man knows perfectly well that if he lives in a county where the Act is in force, and is not in force in the adjoining county, it is perfectly easy for him, as far as he individually is concerned, when he wants to violate the principle of the Act to go into the next county and do it.

Hon. Mr. VIDAL—We are not discussing the Scott Act!

Hon. Mr. PLUMB—I am discussing it exactly as you discussed it; I will show you logically what I am coming at. I am endeavoring to show that it is no test of the feeling of the community to show what the vote is in an election under the Scott Act, because it is not the application of the principle as I would desire it to have it applied. That is what I was trying to say and my hon. friend was a little too quick when he interrupted me. The subject is one that he is far more familiar with than I am; he has an opportunity of airing his views on it wherever he goes, but I have no practice in discussing temperance questions here or elsewhere. It is not in my line; but I will say this: I would to-day, if it were possible, be willing to put the Act in force over the whole country at once, and then we would see how long it would last. I have seen such legislation long before the Act of 1878 was passed. A temperance act was put in force by a large majority in a state in which I was resident, and the provisions of it were somewhat similar to those of the Canada Temperance Act. When it came to its practical operation, it failed; it was an absolute dead letter, and never was enforced at all, because it was to be put in operation all over the state at the same moment, and it came to nothing. If the hon. gentleman likes to refer to the statutes of the state of New York for the year 1855, he will find that Act, and will see that many of its provisions are identical with those of the Canada Temperance Act. That act was passed that year by a large majority in a Legislature that was elected upon a temperance issue, pledged to pass a Bill of that kind, and at the same time a governor of the state was elected on that issue by a very large majority. In spite of the apparent majority, under a system of manhood suffrage, in its favor, the act never was enforced, and was found to be, in a double sense, worse than useless. The next election reversed the popular vote by a majority of many thousands, and placed the celebrated Horatio Seymour, an anti-prohibitionist, in the gubernatorial chair. The Act of 1878 palters with the sincere prohibitionist in a double sense; it "keeps the word of promise to the ear and breaks it to the hope." It is not a temperance act in its operation because it chequers the provinces over here and there, and there is always a loop hole where the Act can be

evaded. Now, with regard to the figures which the hon. gentleman has given us; since they have been given I have made a synopsis of the votes of the five counties which he mentioned in the province of Ontario, and I will tell him exactly how the result appears from my point of view:—

	Total vote in 1882.	True majority.	Scott Act vote.	Scott Act majority	Lack of true majority.
Huron	17,810	8,905	10,369	1,655	6,250
Elgin	11,868	5,831	6,801	1,874	4,057
Kent	6,422	3,211	6,343	2,393	818
Lambton	8,615	4,307	6,011	2,922	1,385
Durham and Northumberland	17,191	8,595	9,918	2,187	6,408

HON. MR. FLINT—Why did not the people come out and vote?

HON. MR. PLUMB—My hon. friend asks why the people did not come out and vote? Well, I can tell my hon. friend that this is an Act which the temperance people have undertaken for themselves; they have undertaken to thrust it upon the community as a sumptuary law, and it is their business, in my judgment, to show that they are sustained by a majority of the popular vote. The law never will have its true moral force until they can show that. We are governed by majorities. It is urged that a majority of the registered votes is not required for the election of members of Parliament; the law in that respect is a part of the constitutional machinery of the country; it has no analogy with a special law made for the purpose which my hon. friend and his friends had in view who have framed the Temperance Act. The two cases are not analogous in the slightest degree, but I will join the hon. gentleman if he chooses, in adopting the principle of compulsory voting. That is the only way in which we can get the full vote out, and it has been suggested that some such provision as that should be adopted in regard to Parliamentary elections, and that the person who did not vote should lose his franchise. Would the hon. gentleman dare in the Scott Act to introduce a clause like that? I would like to test the sincerity of the hon. gentleman and see whether he would care to do that! I know that he would not think of doing any such a thing; the truth is that this Act has rested from the beginning upon an insecure basis—that of being passed and put in operation by a minority vote, and I have so insisted from the beginning, and I am perfectly and logically consistent when I now say that it was a mistake on the part of the gentlemen who advocated and proposed this measure to adopt that principle. They would have stood stronger with the community, they would not have been obliged to resort to the methods which they have resorted to in order to strengthen their cause, if they had been willing to say that, in submitting the Act, they would leave it to the decision of the majority of those who were entitled to vote, and unless they could secure such a majority, the Act should not be enforced. If the Act cannot command the support of the majority on the voters' list, I do not hesitate to say that it cannot have that moral force which will sustain it if it should ever become so universally adopted that it will begin to pinch, and I think my hon. friend will find that to be the case. I merely intend to say in conclusion that I do not wish, and I hope that this House will not place itself in opposition to the expression of the decided will of the people, but I claim that that expression has not been given in this case. My hon. friend from Sarnia attempted to threaten the House, or rather what he said sounded like a threat; it was as near as my amiable friend ever comes to threatening. It is only on this subject that he ever departs from that judicial position which he assumes in addressing this House. It is only when this, I will not call it a hobby, but this preferential idea of his comes uppermost, that he indulges in the vehemence that he has shown to-day. I am not afraid of the consequences which he suggests; I am not afraid to stand here and say that I shall vote against that Bill, and I shall vote against it for this reason: that I do not think we ought to be asked to take out of the McCarthy Act a section and repeal it through this Act which is a section the operation of which is to be suspended for

the purpose, as I understand it, of otherwise correcting the Act of 1878 by the Bill now under consideration elsewhere. Although there are points in this Bill which are objectionable, particularly in the forms of the schedules which have been adopted—which seem to attempt to get by indirection what is not expressed in the Act itself—I shall not refer to them. The time has not yet come when we can properly be asked to legislate between the clashing of those two systems. When the time comes I want to be thoroughly informed of the points which are to be considered. Until that time comes I do not believe it is necessary or expedient to meddle. I desire to go through both Acts, and to examine them for myself, and I want the opinion of those who are more capable of judging of it than I am, for I am not a lawyer, and when the appeal on the Act of 1883 is decided I shall be willing to legislate fairly, honestly, and candidly on the subject, without fear, favor or affection; but until that time comes I do not think we ought to be called upon to patch up the Act of 1878, which the hon. gentleman had time enough to rectify. They have had time enough to correct it. It is not our fault that the Act is defective and it is not particularly defective. The whole object of this Bill is to get the obnoxious section 145, of the Liquor License Act out of the way, and I prefer not to kill it by indirection, but I prefer to take the straightforward, frank and honest course with regard to it. I say that this Bill should not pass as it stands, under the changed circumstances which make it new legislation. That is the ground upon which I feel that the Bill ought to be rejected by the House.

HON. MR. DICKEY moved the adjournment of the debate until to-morrow.

The motion was agreed to.

HON. MR. POWER—Before that motion is put I wish to say one word with respect to the debate. I trust that to-morrow hon. gentlemen will confine themselves more to the Bill before the House, and not undertake to discuss, pro and con, the merits of temperance.

HON. MR. PLUMB—If the hon. gentleman refers to me, I will tell him this: I have followed my hon friend, who was certainly as discursive as I have been, and I have merely answered his argument.

HON. MR. POWER—I did not refer to any speaker in particular; I referred to the debate generally.

HON. MR. DICKEY—Hon. gentlemen will now see the inconvenience of the mover laying down a wrong platform at the beginning. Others have a right to follow him. I shall take a very different course from the one I intended to have taken, owing to the singular plan that the hon. gentleman adopted at the opening of the debate.

HON. MR. HAYTHORNE—I hope when hon. gentlemen come to address the House they will be allowed the same privileges as those who have already spoken in this debate.

The motion was agreed to.

The Senate adjourned at 5.45 p.m.

THE SENATE.

Ottawa, Thursday, April 23rd, 1885.

The Speaker took the Chair at three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

The following Bills, reported from the Committee on Railways, Telegraphs and Harbors, without amendment, were read the third time and passd:—

Bill (72), "An Act respecting the Ontario Pacific Railway Company." (Mr. Plumb.)

Bill (77), "An Act to incorporate the Hamilton, Guelph and Buffalo Railway Company." (Mr. Plumb.)

FREDERICTON AND ST. MARY'S RAILWAY BRIDGE COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (50), "An Act to incorporate the Fredericton and St. Mary's Railway Bridge Company," with amendments. He said: I may explain that the 13th clause, which is amended, is what is usually known as the bond clause, and as it materially affects the interests of the shareholders, we thought we should make this amendment. The clause, as it stood, neither required any notice to the shareholders of the meeting which was to decide on the issue of those bonds, nor did it state that any shareholder should be present at any meeting of the kind. In order that it might be made conformable to our legislation, we inserted this amendment, which we consider a material one, in the interests of the shareholders and of the Company itself. The other amendment was a verbal one, rendered necessary by the amendment which I have just explained. These are the only two amendments, and I see nothing to prevent the passage of the Bill now.

HON. MR. WARK moved concurrence in the amendments.

The motion was agreed to, and the Bill, as amended, was read the third time and passed.

ALBERTA AND ATHABASCA RAILWAY COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (73), "An Act to incorporate the Alberta and Athbasca Railway Company," with amendments. He said: There are two amendments to this Bill. The first arises in the third clause. As it stood originally, it provided that the railway should be four feet eight and a half inches in width. That was evidently not the object of the clause, and the promoters of the Bill made it quite clear that it was the width of the gauge and not of the whole railway. We have amended it to read "four feet eight and a half inches gauge." The other amendment is of the same character as the one in the Bill which has just received its third reading. It prescribes the number and value of the shares to be represented at any special or general meeting where bonds are to be issued. There is nothtng of a special character in these amendments requiring the consideration of the House.

HON. MR. VIDAL moved that the House do concur in the amendments.

The motion was agreed to, and the third reading of the Bill was fixed for to-morrow.

HURON AND ONTARIO SHIP CANAL COMPANY'S BILL.

THIRD READING.

HON. MR. DICKEY, from the Committee on Railways, Telegraphs and Harbors, reported Bill (69), "An Act respecting the Huron and Ontario Ship Canal Company," with an amendment. He said: The amendment, like the Bill itself, is a very short one, and perhaps will be equally harmless. The amendment itself does not meet my wishes, because I thought it an advantage to have the longer term in the Bill, inasmuch as we would never hear of it again, but the committee thought it as well to allow this old gentleman five years, at all events, to go to work, and that is the amendment.

HON. MR. PLUMB—No doubt the canal will be built before the time expires.

HON. MR. GOWAN moved concurrence in the amendments.

The motion was agreed to and the Bill was read the third time and passed.

THE CONSOLIDATED RAILWAY ACT AMENDMENT BILL.

SECOND READING.

HON. SIR ALEX. CAMPBELL moved the 2nd reading of Bill (Q), "An Act further to amend the Consolidated Rail-

way Act 1879." He said: This Bill is to give the Railway Committee of the Privy Council power to enforce any agreement which may be made between two railway companies for the interchange of traffic. It seems that difficulties have arisen and work upon the railway has been arrested by reason of the impossibility of enforcing this agreement, and the plan proposed in the 1st clause of this Bill is suggested as being the best plan to be adopted.

The motion was agreed to and the Bill was then read the second time.

RUSH LAKE & SASKATCHEWAN RAILWAY AND NAVIGATION CO'S BILL.

SECOND READING.

HON. MR. GIRARD moved the 2nd reading of Bill (79), "An Act to incorporate the Rush Lake & Saskatchewan Railway and Navigation Company." He said: These persons are asking to be incorporated as a company for the purpose of constructing a railway from a point on the Canadian Pacific Railway at or near Rush Lake northerly to the south branch of the River Saskatchewan, and also for navigation purposes. The name of the corporation will be the "Rush Lake & Saskatchewan Railway and Navigation Company." I am sure the House will consider, as I do, that we cannot do too much to facilitate the construction of railways in that part of the country, and without any more observations, as the importance of the Bill will be admitted, I move that it be read the second time.

The motion was agreed to and the Bill was read the second time.

DOMINION GRANGE MUTUAL FIRE INSURANCE ASSOCIATION BILL.

SECOND READING.

HON. MR. PLUMB moved the second reading of Bill (55), "An Act for granting certain powers to the Dominion Grange Mutual Fire Insurance Association." He said: This is a Bill brought in by the Dominion Grange Mutual Fire Insurance Association, showing that there is a desire on the part of associated grange companies throughout the country to have their powers extended to different parts of the Dominion. The Grange Association, as everyone knows, is an association of farmers for practical and beneficial purposes. This company represents particularly the Grange Association. The directors are prominent members of the Association; its managers are engaged in carrying on the affairs of the Association, and they ask this honorable House to extend the powers of the company, already incorporated, to the different portions of the Dominion.

HON. SIR ALEX. CAMPBELL—There is a clause of the Bill to which I would draw the attention of the gentleman, which, perhaps, we ought not to enact. It is that part of the clause which provides that from and after the passing of this Act the Association shall not issue any policy of insurance for any term exceeding three years. The Association have acquired the right to issue these policies under the law of Ontario, and I suppose, therefore, we ought not to interfere with the powers which they have acquired under that Act. Perhaps, in the committee, my hon. friend will limit the restriction to issuing policies under this Act in some way so as not to conflict with the powers given under the local Act.

The motion was agreed to, and the Bill was read the second time.

MANITOBA NORTH-WESTERN RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. GIRARD moved the second reading of Bill (74), "An Act respecting the Manitoba and North-Western Railway Company of Canada." He said: This company deserves some consideration because of the amount of work which has already been done; 100 miles have been built by the company without much capital, through one of the most important parts of the province of Manitoba. Having done so much under great difficulties they have been forced to issue bonds before

proceeding with their work, and they now require to issue a further amount of bonds to be in a position to meet their liabilities and at the same time to go on with the construction of their road. It seems to me there can be no difficulty in permitting the Bill to be read the second time.

HON. SIR ALEX. CAMPBELL—Will the hon. gentleman who presides at the Railway Committee allow me to draw his attention to this possible danger: that the second mortgage bonds which the company have by their Bill desired should be legalized, may interfere with the rights of the first bondholders. It may be that it is all right; but it is possible there may be some existing difficulty about the second bonds, and the first bondholders will require a strict statement of the rights of the respective parties set forth in the Bill. I think it is very desirable to have it clearly established before the committee, that no legal right may be interfered with, and that the parties all acquiesce in some strict way of stating their position.

HON. MR. GIRARD—If there is any difficulty of the kind it can be discussed in committee.

The motion was agreed to and the Bill was read the second time.

THE CANADA TEMPERANCE ACT AND LICENSE ACT AMENDMENT BILL.

DEBATE CONTINUED.

The order of the day having been called for resuming debate on the Hon. Mr. Vidal's motion for the second reading (Bill 92), Canada Temperance Act 1878, and The Liquor License Act 1883, further amendment Bill—

HON. MR. DICKEY said: Before addressing myself to the subject of this Bill, I wish to acknowledge the readiness with which my hon. friend who had charge of it consented to the postponement of the second reading. In response to his courtesy, I may state that I have been enabled to examine the Bill, and I will now give the House, as far as I can, the result of my observation and study of the measure. When my hon. friend rose yesterday in order to move the second reading, he stated that it was simply a Bill to make a trifling amendment or two to some of the clauses of the Act, and that it did not require much examination, and I supposed that my hon. friend was going to confine himself to these immediate amendments, whether few or many, and that we should not have been invited to a discussion of the general subject, which my hon. friend stated at the time he did not intend to do at all. But he immediately rushed into a discussion—a very extensive discussion—of the operation of the Act, and the manner in which it was adopted in various places, especially in the province of Ontario. But my hon. friend did not confine himself to his own province, because he passed over to the most eastern province in the Dominion, and considered it with reference to the question that was raised on a petition presented here by my hon. friend from Queens, for prohibition in Prince Edward Island. Now, perhaps my hon. friend tried to poke a little fun at the hon. gentleman from Prince Edward Island respecting that petition, because he presented it as a matter of duty; for the hon. gentleman from Sarnia must have known very well, because he must have studied the decision of the Privy Council, that any Bill which had a provincial object solely could not be originated in this House. It would be an exceptional piece of legislation, applicable to the province, and would not, like the Canada Temperance Act, be applicable to the whole Dominion, although adopted only in different localities. Therefore, my hon. friend must have known very well that it was quite unnecessary to discuss that petition, especially because it is rather a tender subject with regard to Prince Edward Island, an island within a hundred miles, I believe, of two or three foreign islands where it is not difficult to get the article which is supposed to be contraband under this Act—and without duty either. But passing from that to the amendments my hon. friend speaks of as being only one or two, and very trifling, they are really of very considerable importance. In the first place there are nine clauses in the Bill, three of which are entirely new, and not to be found in the Scott Act; nor are they to be found in

this Bill as it was originally introduced, so that the matter has assumed a rather larger aspect than my hon, friend intimated when he said that those amendments were very trifling, and it would not take long to consider them. Then my hon. friend spoke of a petition which he said was supposed to be getting ready for presentation to this House on the question of the operation of this Act—for an amendment of it. The hon. gentleman used very strong language with regard to it, and stated that it was a most iniquitous petition that was being circulated, and that it was only stopped by the prompt action of the friends of temperance. And what, after all, was the object of that petition, as stated by my hon. friend himself? It was that amendments should be made to the Act requiring the assent of three-fifths of the electors who voted. After all, I think he can hardly suppose that is such a monstrous demand, when he reflects that under the Act which is proposed to be amended by his own Bill, the Liquor License Act, that is the proportion which is recognized in that Act as the proper vote for bringing the Act into operation. My hon. friend refers to the number of petitions that have been presented to the House this session. I am not going into a discussion of those petitions, but I merely wish to call the attention of the House to a fact, in justice to the petitioners, that the leading object of those petitions, as expressed on the face of them, is to ask the House not to make any alterations in the Act at all.

Hon. Mr. VIDAL—That would lessen its prohibitory character or render it more difficult of adoption.

Hon. Mr. DICKEY—Not to go tinkering at it from year to year, but to leave the Act to its operation, and ask the House not to adopt any amendments which would embarrass the operation of the Act. That is a fair question for consideration. It is evident that the petitioners did not contemplate that the promoters of the Act were going to bring in a Bill here having nine amendments to the Act, to still more increase the difficulty of carrying it into effect. That evidently was not their object, and I think I am justified in stating to my hon. friend that if he had kept to the object which the petitioners had in view, we should never have heard of this Bill. Now, with regard to the general subject which my hon. friend has gone into, of the adoption of this Act in Ontario, I certainly do not mean to interfere in that discussion between my hon. friend and the hon. gentleman from Niagara, who has so well answered him on that point. I leave them to settle that part of the question, but I shall call my hon. friend's attention, as he has invited us to do, and has made it part of the discussion before us, to this very question of the adoption of the petition in different provinces as to the numbers. I shall ask him, and he has laid very great stress upon it as an argument in favor of the Bill itself and in favor of the successful working of it, to consider what has been the result in the three Maritime Provinces where this Act has been made the subject of discussion. If we take the province of New Brunswick first, the aggregate number of voters on the roll in that province, in the counties where the question of the adoption of this Act came up, it was 32,226. Of these, only 7,678 voted for the adoption of the Act: that is to say only 1 in 4½.

That is all the proportion. In the province of Prince Edward Island, out of 19,287 voters on the rolls, in the counties and cities where this Act was presented for adoption, the total number that voted for it was only 4,982, or about one in four. In the province of Nova Scotia, the proportion was a little larger and was slightly less than one-third of the whole number of voters in those counties, the figures being 42,000, and the total number of voters for the petition being 13,000. Under these circumstances it will be seen that there was an average of about one in four only of the voters that took part in the elections in the three provinces for the adoption of the Act. In connection with that I merely wish to call attention to an expression from an eminent man on the other side of the water. I allude to the Hon. Mr. Goschen, a well-known Liberal of the most advanced type in the British Cabinet, and who, while maintaining an independent attitude, occupies a very high position in the Parliament of that country. In a speech which he

made recently he said : "I am against the majority coercing the minority." That sentiment was received with great cheers ; but what would the Hon. Mr. Goschen have said if he had been transported to a country where the minority are permitted to rule the majority as is the case in this country ? The Hon. John Bright, who is well known as a tribune of the people, has given utterance to the same idea, not exactly in the same terms, but in the same sense. He has presented a view which I do not wish to take up the time of the House in repeating, because I take it for granted it is familiar to everyone who has read the papers during the present session. No higher authorities on that point could be produced, I think, on a question of this kind. These are not persons who are far removed from the people. They are eminently of the people ; they express the sentiments of the great body of the people of England. We all know that when a man like Bright or Goschen speaks, he expresses the sentiments of the vast masses of the people and not of the privileged class merely—sentiments which are sensible in themselves, and would be invaluable if applied in this country. Goschen went so far as to say that he repudiated the idea of the majority ruling the minority. He qualified it by saying that he applied it to questions of a sumptuary law of this kind, which prescribes to a man what he should eat or drink. It was in that sense that the hon. member made that strong observation and took that strong attitude. While I am on the subject I may as well remind the House, with regard to this permissive Bill of which Mr. Goshen was speaking then, that it only proposed that the local option should be carried by two-thirds of the people, and if two-thirds of the voters were against the licenses being issued they could not be issued. That was the utmost extent to which the most advanced agitators in the cause of prohibition—for I will call it by its right name—would go. The most advanced have never gone any further than that. They do not provide that a simple majority should control, but that it should be an overwhelming voice of the people that it should at once carry weight and express the general sentiments of the people and at the same time make it a law which would be likely to be successful. We are speaking now of what my hon. friend has dilated so much upon, and continuing my remarks upon that, he has spoken of the sentiment of the people as exhibited by these elections, I have given him some facts to consider. The question does not come up whether it is a majority or anything like an equality, but it is simply a fraction—one-fourth of the whole body controlling the other three-fourths. My hon. friend has spoken of that, and he will allow me to observe there are some considerations connected with it which may explain, to a large extent, why it is in most of these elections, as will be seen in the Maritime Provinces, so very few people took part in them. They did not take much interest in them ; and the reasons for their lack of interest are very obvious. In the first place, this question of referring a law to the people for adoption is entirely new in this country. I am not sure that it obtains in any country except the question of altering the constitution of the United States, but certainly in the great country to which we go for examples we find nothing of the kind. At all events, I am not arguing that point ; I am merely speaking of the fact, the people are not accustomed to it. When they go to an election they understand that they go to vote for some particular man, or some question of that kind. Then there is a very large sentiment, which is honorable to the country, pervading the great mass of the people that those who are engaged in this extreme work of prohibition are actuated by good motives. They are making an experiment, and they say to the people "let us have a chance to try this." It is an argument that is very difficult to overcome in the minds of people who do not care about it. Why do they not care ? Because those who are not in the habit of drinking care little whether this Act is enforced or not. It does not affect them. Those who have drunk know very well that they will have just as many facilities for getting liquor after the Act passes as before. So if my hon. friend had allowed his attention to be called to the subject he would find that it was no wonder that, in the Maritime Provinces for instance, only one-fourth of the people could be found to vote for an Act of this kind ; but it is strange that while it is only voted upon by a small

portion of the people in that way that it should be made to affect the whole of the people. I call the attention of the House to these statistics relating to the Maritime Provinces, and I now come to speak of what an hon. member has alluded to—the failure of the Act. My hon. friend has not given us any statistics as to the operation and effect of this Act, but I think it is pretty well known that it is a failure. I am only speaking of what I know, and comes within my own observation. But there are gentlemen here who come from counties where this Act is in operation, and so far as I can learn the Act, as a means of putting down drinking or the crying evil of intemperanee, is a failure. That is my experience as far as it goes, and is it wonderful that it should have proved a failure? Has it ever occurred to my hon. friend or any amiable enthusiast who interests himself in this matter that to prohibit the use of an article is one way of tempting men to use it. What was the first prohibition that was ever given in history and scripture, and what was the effect of it? Thou shalt not taste of the fruit of the tree! We know that prohibition was broken. Of course we know it was a heinous sin; it is a sin that has descended to ourselves, but I speak of it as belonging to human nature. It is the nature of man that when you say to him "Thou shalt not," he is ready with the words that are rising to his lips "I will." It is, "I will" waiting upon "thou shalt not." We know very well what the operation of these things is among men and we cannot blink the question. We cannot escape the conclusion that as it was in the very first so it has been ever since, and if you say to a man "you shall not have that thing," he will try to get it. It is the forbidden fruit—always the sweetest. The result is that people really get excited with these contests and are actually led to make efforts to get liquor and to drink more than they ever did before. Now, what has been the operation of this Act in other countries? And before I allude to that I will call the attention of the House, in justice to the people of Canada, to a publication which has come under my notice since the House met as to the proportion of liquor consumed in different countries. I hold in my hand a summary made up from official Government returns of Switzerland, in which this subject is gone into at length, and the effect of it—I shall not go into particulars, but I shall give the general result—is that Canada stands at the head of the list as consuming the smallest quantity of liquor in proportion to the number of people. In that respect it stands very much ahead of such countries as Norway, the United States, Great Britain and Ireland, Austro-Hungary, France, Russia, Sweden, the German Zollverein, Belgium, Switzerland, Netherlands and Denmark, and in most parts the comparison is most favorable, I am thankful to say, to Canada. This has been published and adopted by the Manchester *Examiner* with a qualification which I will read, because I do not wish to convey any wrong impression. The Manchester *Examiner*, which is well known as a paper of established reputation and most reliable, especially in statistics, says:—

"If the above table originated from any less an authoritative source than the statistical department of the Swiss Government, we should be inclined to doubt its accuracy."

I do not vouch for it one way or the other, but I give it as it is published, and I think, at all events in justice to our own country, that we ought to let the public know the position which we occupy.

HON. SIR ALEX. CAMPBELL—Will my hon. friend, as he is on the topic, read the statement in the London *Spectator*, which is a very good authority, and which gives the figures he has quoted.

HON. MR. DICKEY—Yes, it is an advanced Liberal paper, and one of the most respectable publications in London. It gives the same figures that I have quoted, and it adds:—

"From this it appears that Belgium is far the greatest beer-drinker, while Great Britain comes in a good second; and that France is the greatest wine-drinker, with Switzerland as a good second. Some of the Teutonic races are among the most absteminous, and others amongst the most self-indulgent, as regards spirits. No general law of any kind appears to suggest itself. Certainly no clue is supplied by the relative condition of education in the various countries. In both Germany and Switzerland, where the popular education is best, the level of alcoholic consumption is very high."

Now, I have been a little in those countries, or some of them at all events, and I must say that I think almost every traveller who has been in the habit of visiting the continent, and especially France and Switzerland, speaking more particularly of France, must have observed the sobriety of the people ; notwithstanding the enormous quantity of wine consumed, amounting in France, according to recent statements, to more than any other country in the world—it is very rare indeed to see a man at all the worse of liquor. These people drink their wine just as the Englishman drinks his beer, and instead of the tea that is drunk in this country. It is an article of diet, and the people being accustomed to take it—it is not forbidden fruit to them—take it in moderate quantities, and it does not produce intoxication.

HON. SIR ALEX. CAMPBELL—All I wanted to bring out was that these tables establish the fact that before the temperance people commenced their agitation here the Canadians were the most temperate people in the world.

HON. MR. DICKEY — I emphasized that, in introducing the statement. I felt bound to do so because my own country was spoken of as being the most temperate country in the world. I am not going to argue the question or raise any point about it. I merely state the fact, as it is well known, and the House can draw its own inference from it. There is another point connected with this, speaking of the effect of this law. My hon. friends are aware that several states of the neighboring union have adopted something very like prohibitory legislation, and indeed of a very stringent character. Now, it is instructive at all events, when the object is to lessen the consumption of spirits, to know what the result has been in that country for the last 30 years. I have the table before me from which I shall only quote figures for the last ten years. The average consumption of liquor during the last ten years was something like 65,907,000 gallons annually—I am speaking now of the United States. This table begins in the year 1875 and ends in the year 1884. Therefore it covers the period of the last ten years, during which this prohibition legislation has been peculiarly rife in that country, and the Maine Liquor Law, as hon. gentlemen well know, was passed long before. Now, we look at the gradual manner in which drinking has increased there :—

In	1876	59,000,000
	1877	59,000,000
	1878	51,000,000
	1879	54,000,000

As soon as they got over the effects of the late war they began to drink a little more.

1880	63,000,000
1881	70,000,000

Now we are coming into the time when all those prohibition laws were in full swing.

1882	73,000,000
1883	78,000,000
1884	81,000,000

So much as regards strong-water spirits. Now we will try the malt. The consumption of malt liquors has doubled in the same period, as the following figures will show. In the first year, 1875, the quantity consumed was 294,000,000 of gallons, and in 1884 it had increased to 590,000,000, a little over double the quantity in ten years.

This prohibitory legislation has been spoken of as greatly benefiting the people, and in some places it has had the effect of preventing a man from drinking. I am willing to hope that it may be so, but it has always been contended that it has had a very great effect in lessening the number of insane people. This same excess of indulgence in liquor has been pointed to as the cause of the insanity, and they say you go to the States and places where they cannot get liquor, and we are told it is a sealed book in Maine and other places, that you cannot get any liquor there, and that the people are moral and healthy and at all events not subject to insanity. Now, I have a few statistics with regard to some of these States and I have selected them because I think I have adopted the States in which the Maine law or legislation of a similar character is in force. I have taken the states of Maine, Vermont, New Hampshire and Connecticut. The calculation is for a period of 30 years from 1850 to 1880. First, I will give the pop-

ulation of each State, and it is very well known that the population of New England has been almost at a standstill. The increase, even going back as far as 30 years, is very small. Since 1850 the increase of population has been only about 11 per cent. in Maine. It is under six in Vermont, in New Hampshire about nine and a-half, while in Connecticut the population has very considerably increased and it is actually 67 per cent. more than it was 30 years ago. That would not be considered a very great increase in this country, but it is considerable in an old settled country like Connecticut. In the state of Maine the number of insane persons in 1850 was 561; in 1880 it had increased to 1,542, an increase of 981, or at the rate of 175 per cent. In Vermont in 1870, the number of insane was strangely enough within one of the number in Maine, namely 560. In 1880 there was not quite so large an increase, but it was nearly double—1,015, an increase of 455 or at the rate of 82 per cent. In New Hampshire, the numbers were relatively 378 and 1,056, an increase of 678; the increase alone being nearly double the original number. In Connecticut the figures were 470 in 1850 and 1,738 in 1880. Now, I spoke of the increased population, and you will see how these figures tally together. The increase in the number of insane persons was 1,268, or at the rate of 267 per cent., whereas the population itself only increased at the rate of 67 per cent., leaving the relative increase of insane persons for the population of 20 per cent. Now, these are facts relating to countries which are blest with the benefit of these prohibitory laws. If the House will allow me, I will call their attention to an article from a paper which I know will commend itself to the hon. father of this Act, as a first-rate authority from his point of view at all events, and it certainly is one of the most flourishing papers in the province of Nova Scotia—I allude to the *Halifax Chronicle*.

If the House will permit, I will read them an article which is endorsed by them, and which is taken from an American exchange. In a recent issue of the *Chronicle* I find the following:—

"An American exchange relates how on the 4th of July last a prohibitory liquor law came in force in the state of Iowa, and how also the prohibitionists determined to prevent the consumption of intoxicating liquors. It goes on to state as results of the law, perhaps it should have allowed for increased thirst for appetizers, that under the old license system Des Moines, the capital, had 58 drinking saloons, while now it has 225."

That is about the proportion, I think, you will find prevading the whole of this country wherever the Scott Act is in force—

Davenport had 132 places of Bacchus-worship, now it has a 150 known. When people were permitted to sell and imbibe liquor legally Burlington had 68 saloons; now, when the operations are made illegal, it has 128 places in which to conduct them. Liquor was sold in Keokuk under the license system over 29 bars. Under prohibition 65 are required. Ten cities have all the conveniences of 878 bars at present, whereas formerly they were satisfied with 593. The Boston *Post*, that is the exchange, goes on to say: "To put it in other words, the opportunities to obtain intoxicating liquors and get drunk have increased nearly 50 per cent. under the prohibitory law, and in about seven months. The license revenues of the cities, amounting to $211,361 a year, have disappeared, and ratepayers are scratching their heads and considering how they will make up the deficiency. They may be obliged to levy window, butter, or milk taxes in their distress. Drunkenness has increased.

Of course it has increased because, it having been made illegal, there is no control over it—

The multiplication of saloons, the vileness of the liquor dispensed by men who want to make enough out of each cask of liquor to pay a possible fine, and the excesses of sly drinking, where the imbiber generally takes enough to last him for a day or two, account for this change in the manners of the good people of Iowa, and do not furnish a good argument for prohibition. Without committing ourselves to the opinions expressed, we give for the benefit of all concerned, pro or con, in the Scott Act agitation in Halifax, the following extract from the same journal:

* * * *

Some of the Iowa prohibitionists have confessed that their system is a failure in that state, so far as the experiment has developed, and one of the methodist clergymen, prominent in the prohibitory movement, now admits that matters are very much worse than when the traffic was legalized. What else is there for prohibition to stand upon if the one plea of effectiveness is taken from under it? It is certainly wrong in principle.

There is only one more extract that I wish to read for the benefit of my hon. friend who resented yesterday so strongly the application of the term "sumptuary

law" to this Act. I quote from the *New York World*:—

It is found that sumptuary laws will not suppress the evils they propose to correct. No law can make people virtuous. No legal enactment will reach an old drunkard. It may punish, but will never reform him. No Maine law, especially in Maine, ever could or ever will stop the sale of intoxicating liquors.

Now, I think the argument, first from reason and second from experience, is overwhelming. I shall not trouble the House with any more citations of that sort, because I think quite enough has been shown. I do not wish to press the matter. I think the House will wish to have all the information they can on the subject, and I am quite sure my hon. friend who has charge of this Bill would be glad to get any information which would tend to moderate or modify the extreme views he holds on this subject. Before I leave the subject I ought to allude more particularly to our own country, and to express with a deep feeling of regret, the muddle into which our legislation on temperance has got during the last seven years. We had first an Act miscalled the Canada Temperance Act. It ought to have been called, as the judges in England did call it, the Canada Prohibition Act of 1878. That is the proper title of the law. On that occasion I confess I opposed that Bill, and I did so on the ground that it was directly interfering with the rights and privileges of the different provinces, because it proposed to take away and it did take away, as far as it could, those rights. We do not know as yet how far they have been taken away, because we have not had an authoritative decision on that part of the statute, but it proposes to take away local power in every place where it is adopted. Jealously guarding, as I always try to do, the interests of the Lower Provinces, I strongly opposed that Bill, but at the same time I urged on my hon. friend who had charge of it, in common with many of my friends, that the Bill should be sent to the Supreme Court for an opinion as to its constitutionality and the power of this Parliament to pass it. We made that appeal then. We did it, as we thought, in the interests of good legislation, and in the interests of the Act itself, that we should have some authoritative opinion, and we had the power by law to refer it to the Supreme Court for such an opinion, but it was strenuously refused. The Government would not allow the Bill to be looked at by the Supreme Court, and the consequence was, that that Act passed. Then comes the muddle. I am speaking now not merely as regards this Act but also with regard to the other Act, which is a twin in the heading of this Bill, and which this Bill proposes to amend, because this Bill is a hybrid affair. It deals with two Acts at the same time, and it has adopted the Act which was passed two years ago—the Liquor License Act—as a twin brother. I have always contended in my place in Parliament here and I have never varied my opinion as to that, that the sole jurisdiction over licenses or the retail of liquors under shop and tavern licenses, rests in the provincial legislatures under our constitution. The first legislation which laid a ruthless hand on that and struck down as far as it could the powers of the provincial Legislatures, was the Act introduced by my hon. friend who is leader of the Opposition now, and who was leader of the Government in this Chamber at that day. After several conflicting decisions in the courts we got a decision upon the constitutionality of that Act. It was decided by the Privy Council—very carefully and cautiously decided—that the Act was not unconstitutional, and that in the words of their judgment—

"Their Lordships having come to the conclusion that the Act in question does not fall within any of the clauses assigned exclusively to the Provincial Legislatures, it becomes unnecessary to discuss the further question, whether its provisions also fall within any of the classes of subjects enumerated in section 91."

They only gave an opinion that they were asked to give, whether the Act was constitutional or not, and they gave it after the matter had been litigated over and over again. It has been the subject of contention all over the country and conflicting decisions by judges. That has been the result of that legislation. What followed? Then the Government of the Dominion brought in a Bill which is commonly known as the Liquor License Act of 1883, this decision on the Temperance Act having been given in the summer of 1882. If we are to have a license law at all, and if this Parliament has the

power to enact such legislation, I certainly must admit that the Liquor License Act of 1883 was an excellent law—that no better law is perhaps on the statute book than that one, but at the same time I have never altered my opinion that the parts of it which referred to the retail trade and shop and tavern licenses were not within our jurisdiction. Unfortunately, at the time the Act was passed I was unwell and unable to be in my place and when the amending Act came up in 1884, I was not in my place, and had no opportunity of expressing any opinion about it. But I am happy to find that the next step that took place by the reference to the Supreme Court, the opinion I have always had, and I think the maritime members should support as far as they can, has been confirmed by the decision of the highest court in the land, the Supreme Court of Canada. Now, that arose from the amending Act which was passed in 1884, an Act amending the Liquor License Act, and it provided that a case might be submitted to the Supreme Court, and it went on to provide the case as to the power of the Parliament of Canada to pass such an Act was to be submitted, and then it stated that the judgment of the Supreme Court should be final, unless at the request of the Governor-General or of the Lieutenant-Governor of any of the provinces it should be considered desirable to submit it for the decision of the Privy Council. This amending legislation arose in consequence of a decision which was appealed from in Ontario, which stated that the local parliaments had the exclusive power of regulating these licenses for retail purposes. Now you see the muddle we have got into. We have the Act we are considering to-day—the Canada Temperance Act — which deals with both the wholesale and retail liquor traffic ; we have the decision that the Dominion Parliament had power to pass that Act. How far, on mature consideration, the whole subject being brought up as it is now to be brought up before the Privy Council, their decision will be modified, and how far the judgment of the Privy Council will be pressed on the retail question, is yet to be settled. We have a decision in the case of the Ontario Act that the Provincial Legislatures have the power, and we have also on our statute books an Act claiming that power for this Parliament; that is the Liquor License Act. I hope we are about to see the beginning of the end, because we have got a reference to the highest tribunal in the Empire to settle all those questions, and to let us know exactly what we can legislate upon and what not. My hon. friend turns to the amendments to this Bill, and says that the first section is a very simple one ; that it is merely to correct a mistake. He passed it over very lightly as of no consequence. It may or may not be important. I am not quite sure whether the section is necessary or not, but if it is it is certainly an important one, because the Act, as he stated himself, and truly stated, required that in counties where there were two registering offices, the notice or petition preliminary to the voting should be filed in both those registry offices in the county. He says what objection can there be to the one registry office, as provided in the amending clause?

"It is of no consequence : people do not go there to look for the Petition." My hon. friend must know that the very object of having the petition there—that the people can go and see it—is just the same as the object the Legislature had in creating two registry offices in a county : that is to say, that in a county which is so large that people would have to travel fifty or sixty miles in order to go to the registry office, they should have the convenience of two registry offices, and therefore the law said two registry offices. I know of counties in Nova Scotia that are 120 miles long.

HON. MR. POWER—And there is only one registry office there ?

HON. MR. DICKEY—There are two registry offices. I can speak for my own county at all events. In the county of Cumberland where there was only one registry office, 50 miles from the east end and 70 from the west end, it was divided, so that each end has a registry office of its own, and if a man wishes to see anything about a title he can go to his own registry office. The Temperance Act provided that the Petition should be fyled there in order that people could examine it to see whether there was one-fourth of the elec-

tors on the face of the petition. That was the object, and yet we are told it was nothing. What do people want to know? They might as well travel 70 or 80 miles to find out. The object of it is declared to be that—

"In any county or municipality where there is more than one registry office, it shall be sufficient to deposit the notice referred to in section 6 of the Canada Temperance Act 1878, in any one of such offices, and whenever, in any county or municipality, a poll has been held under the said Act which has resulted in the adoption of the petition, and the Governor-in-Council has, by Order-in-Council, declared the second part of the said Act to be force and to take effect in such county or municipality, the said Act shall be held and is hereby declared to be in full force and effect therein, from and after the passing of this Act, notwithstanding that such a notice has not been deposited in each registrar's office."

Now, I suppose the House understand the meaning of that. Two or three years ago, under the existing law, the parties promoting this petition did not comply with that provision. They only gave notice in one registry office, and it has been suggested, and I believe truly, that a decision was given that the Act could not be put in force. The statement is true, but whether the ruling is correct or not I do not know. I am not going to argue the point. I merely answer the hon. gentleman's position that this is a harmless section and does not amount to anything. It amounts to a great deal, because it is retroactive in its effect, and declares that what the legislature said when that Bill was adopted is no longer necessary, and that after the petition is adopted the Act shall be in force. That is the effect of the clause. The other clauses as well as the schedules, relate to the proceedings in selling by retail as well as by wholesale under both Acts. This section that was spoken of yesterday, section 9, proposes to repeal section 145 of the Liquor License Act of 1883. Now we have got into a still greater muddle. Here is a proposal to repeal the section of the Liquor License Act, when we have within a few hours ascertained that the operation of that Act is to be suspended, because the Government, I suppose, have come to the conclusion that there may be a doubt about it, and it is better to wait the result before they take any further steps. I think it was a most wise conclusion to come to, and a very proper proceeding on their part to suspend this Act, and yet we are legislating about it to-day.

If that had been known a few days ago, when this Bill was before the House of Commons, instead of a few hours ago, I will undertake say that it is not probable we should have seen this Bill here at all. If this question is to go before the Court of Final Appeal, we had better wait and see what the result of that appeal is before we get into any further entanglement on this legislation. I cannot sit down without alluding to part of the address of the hon. gentleman from Sarnia, in which he gave us serious warning, and accompanied it with something like a threat—as to what this House had to expect if we did not endorse this Bill. My hon. friend is perfectly sincere. Everyone gives him credit for that; but at the same time with his very strong views on this question he ought to make a little allowance for others who hold equally strong views in another direction. I do not wish to accuse my hon. friend of discourtesy, but I think that, on second thoughts, he will come to the conclusion that it was scarcely necessary to lecture the House on what they ought or what they ought not to do, and threaten them at the same time if they do not do it. I tell my hon. friend, without the least shade of feeling about it one way or the other—knowing him as we all do, as eminently courteous to every member of this House—that the expression dropped from him without consideration. There is a question involved in this which deeply affects the interests of the Maritime Provinces and Quebec under the constitution of our country. My hon friend guarded himself, and very properly so, before he closed his remarks, when he said: "Is there a constitutional question in this matter?" Of course if he supposed there was he would have added if he had chosen to do so,—"If there is I am willing to have it thrown out."

There is a constitutional question involved, because this is a Bill which proposes to amend both of those Acts in matters relating to wholesale and also to retail trade, in shop and tavern licences, and we have already got the decision of the high-

est court in this land upon that very point, that this is a subject exclusively within the jurisdiction of the different provinces and their legislation. Under those circumstances should we not pause? Should we not take the course that the Government have taken with regard to their own Bill: and should we not ask this House to pause before passing those nine amendments, and await the decision of the final court of appeal upon this question? That I confess is my view at all events. I have made up my mind that as far as I am concerned, after the manner in which this legislation has gone on, and after the muddle we have got into, if hon. gentleman will persist in forcing this Bill upon us, at all events I shall have the privilege of entering my protest against it, and putting on record the reasons why we think that this Bill ought not to be considered at present. I shall therefore move, seconded by the Hon. Mr. Botsford, that it is inexpedient to legislate further as to the Acts proposed to be amended by this Bill, until an authorative decision has been given by the Privy Council in England on the appeal from the recent judgment of the Supreme Court of Canada thereon, and that the said Bill be not now read the second time, but that the same be postponed for three months.

Hon. Mr. SCOTT—I certainly am rather surprised at the novel position taken by hon. friend who has just placed this amendment before the House, that it is inexpedient to legislate further as to Acts proposed to be amended by this Bill until an authoritative decision has been given by the Privy Council in England, etc. I was not aware that there was any constitutional question pending with regard to this matter. I understood that the Privy Council of England had already decided on this Bill—that is the Canada Temperance Act—and had held it to be within our province to pass such a measure, and in harmony with that decision the Supreme Court had decided that the Liquor License Act that we passed in 1883 was outside of the jurisdiction of this Parliament. One was held to be just the converse of the other. The Privy Council in England, in the Russell case, held that while the subject matter of licenses belonged to the Provincial Government, the power of dealing with the liquor question in its prohibitory character, either local or general, rested entirely with the Federal Parliament. That question has been settled, and no new question can possibly arise: the Privy Council has given its decision. Before I go into answering a few of the arguments brought forward by the hon. gentleman behind me (Mr. Dickey), I will just advert to one or two points in reference to this amendment, and the view taken by the hon. gentleman who introduced this, and here I must confess I did not understand the hon. gentleman from Sarnia in any manner to dictate to this House that it was in any sense our duty to adopt those amendments. I did not understand that he spoke in any such spirit, or that he expressed the belief that this House was not perfectly free to deal with the subject in a larger sense, although it might not be considered proper or fair where the amendments were simply under consideration that they might deal with the measure in a larger sense. This measure has been dealt with on a previous occasion by attempting to interject into it such amendments as were calculated to kill the Act itself. When I had the honor of submitting the Canada Temperance Act in 1878, and when this House devoted between three and four weeks to a careful consideration of it, I did not, nor did any hon. gentleman, at that time, believe when we were dealing with the subject, that we were going to draft such a measure that in future, after years of experience, it would not require amendment. On the contrary, those who are familiar with legislation know very well that all measures come back year after year for amendment and improvement, as experience teaches. We all know the large number of amending bills that we have under consideration; take the Railway Bill: we have that every few years. We have had it consolidated, and then no sooner had we consolidated it than we went on to amend it. We have before us now for consideration the consolidation of the laws of the past ten years, and it is rather curious, looking at any of the important Bills that have passed during that time into law, to see how often they have been amended; and I venture to say that although we will have those

laws consolidated this session, we will begin to amend a number of them again next session. Every ten years we find that it is absolutely necessary to consolidate our laws, because as time goes on we gather such experience from the working of the law, as forces us to the conclusion that the statutes require amendment in some particular manner. But hon. gentlemen will recollect that we are now dealing with the law on a subject for which we had no previous model. The Dunkin Act came nearest to it of any law on our statute book, but it was not framed on that plan. That Act had been found to be a positive failure in the province of Canada, and in dealing with the Canada Temperance Act we had to make it apply to the seven provinces of the Dominion. We had necessarily to call to our aid the machinery we invoked in it—part of the municipal machinery of those provinces. The very point that comes up in the second section of this Bill proves that we are defective in our knowledge of what the divisions in British Columbia were called, because we named them counties, instead of electoral districts, believing that definition of an electoral district would suit the whole Dominion. I recollect distinctly myself, when that definition was under consideration, that a number of views were expressed as to whether it would be the best definition to be adopted for the whole Dominion. Some gentlemen thought that "electoral division" would be the best definition, while others thought the word "county" would suit the whole Dominion. I did not profess to be familiar with the divisions of the different provinces over the Dominion, nor did I know the jurisdiction of the sheriff or other officers of the districts in British Columbia ; but we were required to give those officers certain functions, and we gathered in all the information we could at the time, and the gentlemen coming from the different provinces made suggestions to myself from time to time as to what would best suit the different parts of the Dominion, so that it is not at all to be wondered at that a Bill of this nature has had to come back for amendment. I venture to say that no Act is made so perfect that when it comes afterwards to be argued and discussed by opposing counsel, an interpretation different probably from that which was originally intended to be conveyed, is frequently given to it. I remember a circumstance that illustrates this perfectly. A gentleman, who is a distinguished jurist, a chief justice of Ontario, had drafted an Act of Parliament. Subsequently the Act came before him for the interpretation of one of its clauses, and after hearing the counsel he said, "Gentlemen, when I drew that clause I had in view a particular interpretation, and I confess, now that it has been discussed before me, that the language indicates a different construction from what I really intended to place upon it." So, in the interpretation of the statute, the language, rather than the idea he had in view when drafting it, had to be adopted. All of us know very well that in drawing up clauses we do not take every possible circumstance into consideration, and they often fail in many particulars. The amendments required in this case are very few. The amendments that the House is now called upon to consider I will go over seriatim, and I think the House will take the view that although they are an assistance in working the law, they are not of such a character as to warrant any gentleman taking a decided stand against them. The first clause has reference to the office in which the petition should be filed. Now, the hon. gentleman from Amherst is not quite correct in stating that where there are two registry offices in a county the law requires the petition to be deposited in both. The law requires the petition to be fyled in the sheriff's office, or in the registry office for the county. It so happens that for registry purposes some counties are devided into two registry ridings : consequently where parties fyle a petition in the registry office for a riding, it has been held not to be fyling in *the* registry office, for the Act contemplated the fyling of the petition in the registry office for the whole county. It is perfectly competent for the parties to fyle the petition in the sheriff's office, and I believe the jurisdiction of the sheriff extends over the whole area of the county : therefore the fyling in the sheriff's office is always sufficient. I myself, speaking from my limited knowledge, as far as Ontario is concerned, do not consider it an important point where there happen to be two registry offices that the petition shall be

adopted in both, because those of us who know what follows the getting up of a petition, are aware that it is a battle from the start, and a battle that is fought in many cases with great fierceness and greater acrimony than any political contest: and therefore the parties opposed to the petition take care to find out at the earliest possible moment whether the petition has been deposited in the sheriff's office or the registry office, and they go there and analyze it.

HON. MR. VIDAL—And steal it if they can.

HON. MR. SCOTT—And steal if they can, and as they did succeed in doing in one case. So, it is not, in my judgment, in any degree essential that the first clause should be there at all; it is simply a convenience. I do not know that it applies to any special case; I do not believe in making retroactive legislation. I believe there is an existing case where it relieves a party where they fyled the petition in a registry office which was only a registry office for part of the county; but they have still the right to fyle it at the sheriff's office, where they would not be at the trouble and expense of duplicating the petition. The next clause is the one which defines the word "county," as used in the Act itself. In British Columbia that definition "county" was not applicable. The only way to arrive at the vote in British Columbia would be by naming the division an electoral district, and the second clause provides that in British Columbia this word "county" shall be regarded as meaning an electoral district, in accordance with the divisions for elections of members of the House of Commons. There is a proviso, however, that whenever British Columbia shall have been divided into counties, and a regular municipal organization is established in each of such counties, the Act as amended shall apply to the said counties. The 3rd section provides, as a consequence, that the notice provided for in section 6 shall, so far as it relates to British Columbia, be deposited in the registry offices in the respective electoral districts, or in the sheriff's office in such districts. Surely that is not a very important amendment to the Bill. If the people of British Columbia wish to avail themselves of this Act, we ought at least to permit the form of machinery required to be inserted in the amended Act, which would give them the opportunity of testing it. So long as the law is on the statute book, it would be inconsistent for the House to say that because a mistake was made in describing the electoral areas or divisions in British Columbia, that they should be precluded from adopting the Act. I do not think that any gentleman in this Chamber would say that was a fair or reasonable proposition. We ought, so long as we have an Act of Parliament which professes to extend to the whole Dominion, to make its provisions suit the peculiar names, at all events the circumstances, of the country where those papers have to be fyled. The next clause provides that the official notice of the issue of the proclamation shall be taken by all judges and functionaries whose duty it is to deal with it, without having to prove it. Hon. gentlemen will at once recognize the fairness and reasonableness of that. This Act is not stealing into any community. It goes there after very considerable discussion and agitation, after a very decided vote. It has to be on a majority vote of those who go to the polls. It has to stand over a considerable time: it has to be made the subject matter of a proclamation by the Governor-in-Council; all this has to be done to bring it into force at a time when existing licenses shall cease. It seems to be a matter of very great notoriety in every county where this Act is brought into force, and therefore surely we ought not to impose upon any person bringing up a party for a breach of the law, the necessity to prove all this formal matter—that the subject was taken up by the Governor-in-Council: that a proclamation had issued: that this proclamation had been published in the *Canada Gazette*, &c., &c. It is not a usual proceeding in any of our courts in reference to other matters, and certainly the vast majority of laws which Parliament adopts receive no such notoriety as the Temperance Act does, because this Act cannot be put in force unless individuals living in the county are willing; therefore the people all know it, and it cannot be for a moment urged that it should be necessary to prove all this formal matter in taking proceedings under

it. Clause 5 amends sub-section 4 of section 99 of the Act by striking out of the eighth line the word "sale," and substituting therefor the words "intoxicating liquor." That was a mistake of my own in framing the Act, and I have no doubt the House understands that it is a case like that of the Chief Justice of Ontario that I referred to a moment ago, where he thought I intended the word "sale" to imply "intoxicating liquor." It is a very inaccurate expression as it reads in the Act. There can be no objection to this amendment. The next amendment is a very important one, striking out the words in the ninth line of the Act "to be in quantities of not less than one pint." It will be remembered in the debate on this subject by gentlemen who were then present, that it was considered we ought not to allow the druggist shops to be made tippling shops, and therefore it was suggested by someone that the quantity should be restricted to not less than one pint, and so the words "not less than one pint" were inserted. We all know that where this law has gone into operation that provision has been taken advantage of by some professional men who are perhaps not worthy of the position they hold, and who have abused the confidence of Parliament, and made it an opportunity for giving liquors in large quantities—not pints, but gallons—converting, in some instances, the drug shops into shops for the sale of liquor under the plea that it was for medicinal purposes. I certainly felt very great regret, when the hon. gentleman from Glengarry proposed an excellent amendment, that I was not in a position to accept it owing to the fact that I had given my assurance to a member of the Government who is not now in his place, that I should ask for no changes if the Government carried through that Bill. My hon. friend (Mr. McMillan) saw the unfair and improper position in which his colleagues were put by the abuse by some members of the profession of the trust that Parliament had reposed in them, and he suggested the change, that instead of the words "not less than a pint" being retained, it should be "not more than a pint." It would have done a great deal of good if that amendment could have been adopted. The House of Commons has, however, struck out the limitation altogether, leaving it entirely to the medical men to prescribe any quantity more or less, at the same time attaching the penalty that the professional man who abused the privilege should lose his trust, attaching a penalty if there is an absolute violation.

The next clause gives to clergymen, in addition to the persons mentioned in subsection 4, the power to issue certificates, but that is only an alternative where no medical man can be found. That was introduced, I believe, at the instance of some gentleman in the House of Commons, who said that in some sections of the country medical men could not easily be had, and it was desirable to give to clergymen living in such localities power to issue these certificates. The next section cannot be considered a very important one. It is in the interest of those who are opposed to the Bill, inasmuch as it fixes the penalties definitely. Under the Act as it stands, the penalties were to be not less than, for the first offence $50, for the second $100, and for the third $150. Instead of allowing a magistrate jurisdiction to attach a large penalty, the amendment proposes that it should be fixed at the minimum figures mentioned in the Statute, that is: $50, $100, and $150. There surely could be no objection to that. The next clause, the 7th, amends the 107th section of the Act, and there is nothing very serious about it. Whatever penalties the Act imposes ought to be enforced. This clause strikes out from that section a very important portion of it, that is, the forfeiture of the liquor.

Then the next clause is the 8th, which amends section 119, simply to make sense of the language and to make it convey the meaning intended to be interpreted as the words are here in this clause. As the section stands in the Act it is incorrect and ungrammatical. Then I come to section 9, which has been dwelt on by some hon. gentlemen as the most important in the Bill. Now, what are the facts? Some very zealous people, I assume, in the other Chamber fancied they were going to improve the Act of 1878 when the Act of 1883 came before Parliament, by adding clauses of that Act to the Canada Temperance Act, so far as enforcing it is concerned. The clause to which I refer repeals section 145 of the Act.

Now what is that section thus repealed? It is as follows:

"The sale of liquor without license in any municipality where the Canada Temperance Act of 1878 is in force shall, nevertheless, be a contravention of sections 83 and 84 of this Act; and the several provisions of this Act shall have full force and effect in every such municipality, except in so far as such provisions relate to granting licenses for the sale of liquor by retail."

The object of that was to make the Act of 1878 more effective, and what has been the consequence? Some of the judges of the Supreme Court of New Brunswick, I think, have held that the clauses of this Act supersede the prosecuting clauses of the Act of 1878; that, I think, is the effect of it, or at all events that they added to it. My hon. friend opposite is familiar with the judgment.

HON. MR. DICKEY—I think that is correct, but that judgment was never appealed from to the Supreme Court of Canada.

HON. MR. SCOTT—What objection could there be to saying that this Act of 1878 shall stand alone, and that it shall not be dependent on the Act of 1883 to put it in force? Surely those who are opposed to the Act should not take the ground that the section of another Act which we are seeking to repeal here shall not be repealed. The effect of retaining it would be simply to add confusion to the Act of 1878. That does not interfere with the position taken by my hon. friends who oppose this law. We say with them that this Act of 1878 should stand alone. The powers to put it in force are quite sufficient and it only leads to confusion if this amendatory clause is allowed to remain on the statute book. I thought myself that it was an unfortunate clause, because I think the Act of 1878 can stand without any aid from the Act of 1883, and if a change were necessary we should rather come to Parliament for a new Act than to import a clause into an Act which has nothing to do with it. We merely repeal that section because it has led to very great confusion. Now, I think I have shown that the changes are not so grave or serious. They do not strike at the principle in any way. They do not warrant this House in asserting that we are asking for any extraordinary changes or any great improvements. The object of this Bill is simply to correct inaccuracies to which I myself to a large extent, plead guilty, but for which I should not be blamed, for I never pretended to be sufficiently familiar with the provincial system to know whether in each part of the Dominion "electoral district" or "county" was a proper definition, or whether there were two registry offices, or only one registry office, and many other minor points to which I have adverted. The whole object of the amendment to the Act of 1883 is to make the sense more obvious—it is practically carrying out the will of Parliament. My hon. friend who introduced this Bill I thought did not travel beyond the record. I considered it quite proper for him to show that this measure was one in which many people of this country took an interest, and was worthy on that account of receiving a fair, frank and candid expression of opinion from this chamber. Surely it cannot for one moment be contended that the evidence brought forward that the large intelligent body of the people are deeply interested in this legislation, should be disregarded. My hon. friend who spoke before me endeavored to belittle the effect of that evidence by stating that in some counties the vote was comparatively small, and that therefore the Act had not been adopted by the people. What is the conclusion that one reaches from that fact? It is simply this: that the people did not turn out to oppose it. They knew that it was going to be carried, and there was no special reason for creating undue excitement about a measure of this kind when it was known that it was to be accepted. It cannot in any sense be quoted as an expression of opinion against the Act that people did not come out in favor of it. On the contrary, looking at it from my standpoint, I should say that the vast majority of the people who staid at home did so because they knew that the Act was to be adopted. They did not intend to vote against it at all events, and to that extent they gave it their support. If they had been positively opposed to the adoption of the Act they certainly would have gone out to vote against it; but if, as my hon. friend contends, they did not approve of it then they

certainly should have voted against it. I was amazed to hear the argument which my hon. friend advanced that the people of Nova Scotia, who are understood to be a most intelligent population, were not accustomed to that kind of thing—that it was a new subject, and that they had not voted upon the adoption of the Act because practically they did not know how to vote on a question of that kind—that in fact, they did not know how to use the franchise. My hon. friend said because it was not a political election, it was a matter that they did not understand. I must say it was paying a poor compliment to the people of his province. The people of Nova Scotia have shown a very high appreciation of the whole temperance question, because they refused many years ago, in some of the counties, to allow any licenses at all to be issued, the very best possible proof that they were educated on this question—that they were in advance of other sections of the world on that point—because they had seen that the effect of granting licenses meant affording opportunities to drink, and that the opportunities to drink meant people getting drunk—that the more opportunities people have to drink the more liquor they will drink. That is the conclusion they reached from their practical observation, and they met the evil in their own way by refusing in certain counties to license anybody to sell liquor. My hon. friend quoted (and I am sure we were all very glad to hear him) figures to show that Canada stands foremost amongst the nations of the world, on this temperance question; and why? Because it is one that they understand better than the people of any other country. They were the first people to adopt the restrictive license system. In some of the lower provinces they were the first to adopt the system of issuing no licenses at all, long before the prohibition subject was mentioned in any part of the Dominion; and in some sections of Canada were they not the first—the first certainly as compared with the mother country, from which we are accustomed to draw our inspirations and views on such questions—were they not the first to say that liquor should only be sold within particular hours? Were they not the first to say that liquor should not be sold on the Sabbath day, or when elections are being held, or at times of great popular excitement? Were we not the first to say that where large bodies of men are congregated together on public works no liquor shall be brought in or sold to them under any circumstances? Were we not the first to say that in a large area of the country, the North-West Territories, no liquor should be sold, because we believe its effects would be injurious? I do not propose to go into an argument on the question itself, but merely call attention to the fallacious argument of my hon. friend who spoke just before me; while he was quoting the fact that Canada stood so high in the record on this question, I thought it was a compliment to our people, because they had taken the initiative in various ways to restrict the liquor traffic. They have always believed, as those who study the question do, that the greater the opportunities afforded for obtaining liquor the greater will be the quantity of liquor sold. We have ourselves been proving the correctness of that conclusion by the laws that we have ourselves been passing from time to time restricting the use of intoxicating liquors. Restraining its use does not mean increasing the consumption, as my hon. friend contended; it means what we have always intended it to mean, that it should not be there at all to be sold. But if this Act of 1878 is a failure what is the cause? Because the people do not put it in force. It is an argument not against the Act, but against the weakness of the people who fail to put it in force. My hon. friend says people drink bottles now where before they drank only glasses of liquor. I deny that. But it is a large subject and I do not propose to discuss it at the present moment. If I chose to go into it I could bring forward statistics to prove what I have already stated—that the more opportunities you give people to drink, the more they will drink. My hon. friend quoted figures in support of his position, but really they mean nothing. He is not yet in a position to say that the Temperance Act has been a failure. It has been in operation but a very limited time and in a very limited space, and then the Act has been abused. For instance, the medical men in Halton and in Prince Edward Island simply avail themselves of the opportunity to sell certificates. You cannot

say that the law is a failure because the trust that Parliament reposed in certain gentlemen to carry out the law has been abused. It is not the fault of the law ; it is the fault of those who are executing those provisions of it that we thought would be fairly and honorably enforced. Of course, where that kind of thing is done you cannot find fault with the law, but with the people in whom we have ourselves put confidence to carry it out. We had the Halton matter before us last year. This year I was rather amused, in looking over the papers brought before us of those who sold liquor in Prince Edward Island, to find that 70 or 80 pints of brandy was given as one prescription. Is it not absurd to say that the Act is a failure because a medical man violates the trust that Parliament reposed in him so far as to prescribe for medicinal purposes such a quantity of alcoholic liquor? Is is not a breach of confidence to give certificates to buy four or five gallons of brandy, or four or five dozen bottles of whiskey?

HON. MR. ALMON—Perhaps it was for external application.

HON. MR. SCOTT—I was not aware that it was to be used as a bath, but that explains what I could not otherwise have understood

HON. MR. PLUMB—By a sort of metastatis it would strike in.

HON. MR. SCOTT—The temperance question is a large one, and I do not suppose that the House would care that I should pursue the general subject. My hon. friend has moved that this Bill receive the three months' hoist. With the exception of clause 9 to which he objects, all the other clauses clearly tend to make the Act more distinct ; they express, in better language, what the original Act intended to convey and make it easier of interpretation except those clauses which relate to giving clergymen power to issue certificates. There certainly can be no objection to our fixing the penalties for violations of the Act, instead of leaving it to the Magistrate, so long as we fix them at the minimum in the Act of 1878. Some hon. gentlemen seem to be extremely sensitive when one expresses an opinion that this House ought to be cautious about making any radical changes—I use the word in its widest sense—in a measure of this kind ; but I think we should hesitate before rejecting legislation which is asked for by such a vast number of petitioners. This House, on a former occasion, earned the thanks of the public by devoting between three and four weeks to a careful consideration of the Canada Temperance Act. For several years that Act was not put in force, because we knew for some time its constitutionality was contested. My hon. friend behind me says that he wished, at the time it was before the Senate, to refer it to the Supreme Court. I did not concur in that view, because I believed that we had the power to pass it, and subsequent events have established the correctness of that opinion. The highest tribunal of the land has declared that we had the power. Suppose we had gone to the Supreme Court, and got the opinion that it was within our purview to pass the Act, do you mean to tell me that the Privy Council would not have been appealed to in the end? The interests at which this Act strikes are interests behind which a good deal of money stands, and they were not likely to allow a measure of this kind to go unchallenged even for what it would cost them to bring it before the Privy Council, where it eventually went. Therefore, the Act of 1878 has not been in operation for more than a very limited time, because, although some countie adopted it some years ago it was held in abeyance until the constitutional questio was settled ; so it cannot be said to havn had a fair trial. Under the circumstancese I think we ought, in view of the large public interest taken in this question, to grant these amendments. The people who ask for this legislation may be right, or they may be wrong. It is an important question, one on which the English speaking world, and probably foreigners, are very largely divided ; but at all events it must be admitted that all those who have the welfare of their fellow beings at heart feel that something must be done to remedy the evils which result from intemperance. The appalling figures which my hon. friend read to-day of the increased consumption of liquor and the increase of insanity ought to show the

necessity of providing some remedy. It is well known that this is a subject which has agitated the public mind largely in the United States, and also in the mother country. Public opinion is not educated there up to the line it has reached in Canada; yet the House of Commons, on two distinct occasions, passed a vote approving of some restrictive legislation —some prohibitive measure. They did not define what it should be, although a good many men who had given attention to the subject approved of making it a local option law. It is worthy of note that the last time the subject came before the British House of Commons, it was carried by a largely increased vote, showing that public opinion was rapidly moulding itself up to a view that at all events contemplated prohibition or restriction in some degree of this liquor traffic. We know in the United States, a country situated very much like our own, it has been the burning question for years, and while hon. gentlemen may quote figures to prove that it has been a failure in various places, yet it does seem odd that on a recent occasion, when the question was put to the people of Maine whether prohibition should be made a part of the constitution of the state—which it had not been before, because prohibition had been simply on their statute book by a legislative enactment—when the question came up to make it part of the constitution of the state that liquor should not be manufactured or brought into Maine, the people, by a majority of some 80,000, declared that it should be a part of their constitution. That shows that there must be a considerable number in that state, at all events, who are impressed with the belief that something must be done to meet the appalling evil of intemperance.

HON. MR. KAULBACH—What has been the result of prohibition in that state?

HON. MR. SCOTT—The law has been broken in many places. It is a law that will be broken in its early initiation, because it strikes at the prejudices of a large number of people who feel that they are not committing a breach of the moral law if they violate the Act. Therefore they resort to extraordinary measures to defeat it; but I say the public education is still going on, and is from day to day and year to year improving in that direction. Notwithstanding the agitation in the neighboring country, there are only four states in which prohibition has been made a part of the constitution—Maine, Vermont, Iowa and Kansas. It is no argument to use against the law, that in the early years of its introduction it is broken; from year to year it will be better enforced, and the people will insist on its being obeyed. I do not mean to say that you can, in a long term of years, absolutely prevent people from drinking or from smuggling liquor into the country. We know that smuggling is carried on constantly. We know that even contraband articles are smuggled into the country every day; and so will liquor be smuggled, but as years go on, and as the young people grow up, the quantity consumed will diminish where prohibition prevails. My hon. friend spoke also of how much better the people were under a law that permitted the sale of what is called the light wines and beers and ales, and referred to the few cases of intoxication that occur in France. Those who have given this subject any consideration, must come to the conclusion that there was a time, some twenty odd years ago, in the wine-growing countries of Europe, when pure wines could be obtained cheaply and in abundance, there was very little intoxication; but the destruction of the vines by phylloxera and other causes, led to the economical manufacture of a liquor resembling what it professes to be, port wine, sherry, champagne, &c., and people, of recent years, have been drinking instead of pure wines a large amount of poison. We know, as a fact, that France from being a large exporter of wines for the last eight or nine years, has become a large importer, and there is more wine imported into France to-day than is exported, in consequence of the destruction of the vines. Houses that do a large business in wines, finding that they could not supply their customers, import wines of an inferior grade, and manufacture what they call wines from spirits. It is a recognized trade there, and even in this country our government leases out the right to make spurious wines. There are men in our towns and cities, who, under a license of $50 a year, make any kind of wine you want, in which the juice of the

grape is no part of the compound. That is a matter of fact, and one that is rather discreditable to us as a civilized people. I adverted to this subject once before, and I do feel that although it is quite in keeping with what is done in other countries, that it is discreditable to any nation that boasts of its civilization. I am afraid my hon. friend has not travelled recently through France and Switzerland: he would find things very much changed there now with respect to the habits of the people, particularly in Switzerland. Some eight or nine years ago they removed the licenses altogether, and left wine as free to everybody as bread and meat, and what is the consequence? About one in one hundred went into the liquor business, and the effect on the people was one terrible national debauch, one terrible national degradation of the population of that country. It would appear from statistics that have been furnished, that a very large proportion, considerably over 50 per cent. of all the earnings of the laboring classes, were spent in drink. When the people themselves saw the appalling effect of it, they passed a most stringent liquor law—I know it is one of the most stringent laws on the subject in Europe—restraining the sale and use of liquors of all kinds. Their experience was that by permitting the sale of liquor they simply brought about national degradation. This is all beside the question, but one could not altogether ignore certain circumstances connected with this subject, which is a large and interesting one, and had been adverted to by other gentlemen. But, really, it is outside of the subject we have under consideration—whether we will allow the few changes asked for in this Bill. With one or two exeeptions, it cannot be contended that there ought to be any substantial objection. Certainly, we are attempting to make the law clearer, and set forth more definitely what we intended to say in the Act of 1878, and there ought not to be any objection to our being allowed to do so. Would it be right to say that while we intended this Act to be put in force in British Columbia, because that province is not divided into counties, but into electoral districts, and the Act applies only to counties, that we should not be allowed to amend it so that that province should have the benefit of the Act? No hon. gentleman can say for a moment that it is not a reasonable proposition. I quite admit the reasonableness of an attempt to repeal the law of 1878 on the the part of those who object to it. Gentlemen who believe that that law is bad will act up to their convictions; but while that law stands part of our code, surely we ought not to refuse such amendments as will allow it to go into operation. It is not considered usual in that way to defeat the will of Parliament. If there are objections to any of the clauses—for instance that of fyling the petition in one registry office instead of two, there is an argument open for fair consideration. I would not say that it was crippling the Act, in any sense, for hon. gentlemen to contend that that clause should be struck out. It may, in large areas where there are two registry offices, give additional publicity to the petition, though it may cause more trouble to the promoters of it; but that consideration ought not to be compared with the publicity that the notice would obtain, and here is an occasion in which the House has a right to exercise a fair opinion without being charged with being hostile to the Bill itself. With regard to section 9, which engrosses a large share of attention on the ground that we are trenching on constitutional questions, I cannot see where the point comes in, because we are not encroaching on any constitutional question: we are simply saying that a clause which is not in this Act, and which was imported into the other because it was believed that it would help the Temperance Act, has been found to lead to confusion, and it is not wrong to say let that clause be struck out. We do not repeal that clause. It only affects this Act. The Supreme Court has desided that only those clauses of the Liquor License Act which really affect, and are germane to the Temperance Act, are within purview of the Federal Parliament: that the whole of the licensing question belongs to the provincial legislatures. I see that the leader of the Government very properly, I think, proposed to suspend the Liquor License Act, and that the House of Commons has adopted it without a division. I think they made a mistake in not suspending the whole Act, for it was not re-

quired for the Act of 1878, and therefore it was idle to keep it on the statute book, and the proper way would be to suspend the whole Act, for those who believe there is machinery enough in the Canada Temperance Act to put it in force do not want the Liquor License Act, and it only adds confusion, and it was in consequence of that view that the Temperance Alliance advocated that it should be removed. It was not asked for in the first instance by the people outside of Parliament, and it certainly ought to be removed from this Act.

HON. MR. SMITH moved the adjournment of the debate, and that it stand the first order for to-morrow.

The motion was agreed to.

The Senate adjourned at 5:50 p.m.

THE SENATE.

Ottawa, Friday, April 24th, 1885.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

EVANGELICAL LUTHERAN CHURCH OF CANADA BILL.

THIRD READING.

HON. MR. LACOSTE, from the Select Committee on Standing Orders and Private Bills, reported Bill (60), "An Act to incorporate the Synod of the Evangelical Lutheran Church of Canada," without amendment.

HON. MR. REESOR moved that the Bill be read the third time.

The motion was agreed to, and the bill was read the third time and passed.

PUBLIC AFFAIRS OF THE DOMINION.

MOTION POSTPONED.

The order of the day having been called,

That he (Mr. Alexander) will call attention to the present state of the Public Affairs of the Dominion, and will ask the Government how they propose to remedy existing evils?

HON. MR. ALEXANDER said: In accordance with the wish expressed by several members of the House, I ask that this motion be permitted to stand until Tuesday, 28th April next. I move that the order of the day be discharged, and that it do stand as an order for Tuesday next.

The motion was agreed to.

LEGISLATION IN THE SENATE.

MOTION.

HON. SIR ALEX. CAMPBELL moved:

That the hon. Messieurs Dickey, Haythorne, Plumb, Scott, Trudel and the mover be appointed a committee to consider whether any facilities can be given for the dispatch of business in Parliament, especially in regard to the relation of the two Houses, and that a message be sent to the House of Commons requesting that that House will be pleased to appoint an equal number of members to unite with the members of the Senate in the formation of a joint committee of both Houses on the subject.

He said: In fulfilment of the notice which I gave, I move that this committee be appointed. I took occasion, on the remarks which were made by the hon. member from Niagara, and by other hon. gentlemen in the course of the debate upon his motion, to revert to the resolution proposed some years since by the hon. member from Ottawa, I believe, having its origin in the House of Commons, and the object being to endeavor, if possible, to secure some co-operation on the part of both Houses, with a view of more evenly distributing the business of the country in Parliament. Whether I may or may not be able to accomplish anything, and particularly to accomplish anything this session, I am not prepared to say, but I will make the effort, and if nothing can be done this session, we may at all events pave the way for something being accomplished at some future session. The effort is worthy of being made, and I believe the House will think so. I have endeavored to constitute the committee in such a way as to include the members who have taken the most interest in the

subject and who, I have no doubt, will endeavor to co-operate with me, if the committee should be appointed in the other House, to bring about an arrangement which will give this House more private bill business than it has had up to the present time. I wish to give effect to the suggestion made by the hon. member from Niagara, in proposing this motion.

HON. MR. PLUMB—I have no doubt the House will receive with very great pleasure the resolution which has been offered by my hon. friend, the leader of this House, and I take this occasion to express my obligations to him for having moved in this direction. I did not intend anything that I had to say about the constitution of the Senate or about the desirability of increasing its work, to reflect in the slightest degree on the assiduity of my hon. friend, the leader of this House, nor did I intend to say that what had occurred in regard to the decline, if one may call it so, of the business of the Senate was due to anything more than the natural causes that must be at work between the popular branch and this body; but if the resolution brings about the result of giving us a larger proportion of private bill legislation, which was the object that I more particularly sought, it will certainly be held by everyone in this House as a move in the right direction, towards restoring what I think ought to be the equilibrium between the two Houses. I trust the attention of the Government will be called to the desirability of presenting to this House, at as early a moment as possible, important subjects of legislation which often are brought to us in such a way that we are embarrassed between a desire to vindicate our own rights and prevent, perhaps, necessary and important legislation. It is always awkward to have to consider on short notice important measures not connected with finance, because I think it is impossible that the Supply Bill can come to us until a late moment, and we are not supposed to deal so particularly with measures of that character except to criticize them in whole, but I think it is due to this House that other measures should be brought before us for our consideration at the earliest possible moment, and if it should become at any time necessary, in order to vindicate the position of the House, to object to the passage of important bills brought before us at the last moment, I hardly think the Senate can be blamed for taking that position.

HON. MR. ALEXANDER—The leader of the House desires by this motion to impress the country with the idea that the public business is not conducted in a satisfactory manner, especially as regarding that part allotted to this Chamber. He calls for a committee to consider this matter, and I need not remind the House that he has been a member of the Upper Chamber—first of the old province of Canada, and since Confederation up to the present moment—a period of 26 years—as well as myself. I came into Parliament with the hon. gentleman 26 years ago. Therefore, he has an experience of 26 years in the Upper Chamber of the Legislature of Canada, and I suppose that the hon. gentleman's memory, if it serves him at all, will remind him that every session we have charged the Government of the day with being the parties who postponed bringing into this Chambe, until the last moment, the most important measures. Every member of this House knows that if there is any delay in bringing important measures to this Chamber, that delay is chargeable to the Government of the day. It does not lie with the members in charge of private bills in the other House at all, because the leaders of the Government in the other Chamber can either allow the members in whose hands private bills are to proceed with their bills or not. We have every session made this charge against the Government. But the hon. gentleman is a practised chess man, and this is only another of his movements on the political chess-board; he thinks he will impress the country that the Government is not to blame; that it is the members of Parliament who are to blame for the business of the country being neglected. I hope if this Committee is granted, that the hon. gentlemen who are placed on that Committee will bring to their notice the fact, that as regards the measures and motions that have reached this House, we have not been able to get those which were submitted, perfected in the interests of the people. Perhaps he will bring to

the notice of that Committee that there are five members of this body who have shown, upon many occasions, that they make it their study to prevent any criticism of the acts of the present Government since they came into power. When the Ministry of Mr. Mackenzie were in power, those five members were active enough in trying to open their batteries upon the Treasury Benches; but since this Government came into power those gentlemen have distinguished themselves as zealous partizans in the interest of party instead of in the interests of the country. Hence it is, that we have financial embarrassments come upon the country, and that we have rebellion in the North-West through the neglect of duty of this Government. Then, when efforts are made to prevent wasteful expenditures, and to recover public moneys that have been improperly made away with, we find ourselves checked on one pretence or another; one moment we are stopped with questions of order, another moment it is the question of "taxing speeches." Whoever remembers when a member has been trying to recover for the country moneys that have been wrongfully appropriated—

HON. SIR ALEX. CAMPBELL—I rise to a question of order. The hon. gentleman from Woodstock is not speaking to the motion, and is discussing the previous action of the House.

THE SPEAKER—The hon. gentleman will please confine his remarks to the subject before the House.

HON. MR. ALEXANDER—We have no freedom of debate on the floor of Parliament now.

HON. SIR ALEX. CAMPBELL—The hon. gentleman is again out of order. He says we have no freedom on the floor of Parliament. The hon. gentleman has too much freedom; he is out of order.

THE SPEAKER—I think the last remark of the hon. gentleman from Woodstock is more a breach of parliamentary decorum than the first.

HON. MR. ALEXANDER—I remember once reading a very interesting work by Trollope, called the "Life of an American Statesman." Now, I think the hon. leader of this House might write a most interesting work if he would write the life of a Canadian Minister, subservient to the present Conservative Chieftain, Sir John Macdonald, who has brought so many troubles on the country.

HON. MR. BOTSFORD—I certainly do not think of replying to the extraordinary speech of the hon. gentleman who has just sat down. Hon. members of the Senate will value that speech at what it is worth. It is only a repetition of assertions he has been making since this session began, and I must say that those observations, and the manner in which he addresses this House, are not much to his credit. With respect to this motion, I am disposed to give the Minister of Justice credit for undertaking a very difficult subject. I well recollect that in 1868 the hon. gentleman proposed a similar committee, although it was not a joint committee. I recollect the care and attention which he devoted to the investigation of the subject which was delegated to that committee by the Senate, and I may say further, that upon every occasion the hon. gentleman has taken the utmost pains to bring before the Senate every measure which it was possible for him to bring, and therefore I feel called upon, as one of the members of the Senate, who is intimately acquainted with all these circumstances, to state them to the House, because there are a great many new members who have not had such an opportunity as I have had to observe the great pains which the hon. gentleman who has brought forward this motion has taken in order to give the Senate due prominence in the public business of Parliament. This question of the difficulties arising from the course which legislation has taken in the Dominion is not at all new. If hon. members have turned their attention to the course which has been taken in the Imperial Parliament, they will find that exactly the same difficulties have arisen there, and that committee after committee has been appointed in order to seek a remedy for this great evil of postponing important business to the last of the session. In consequence of that postponement, the House of Lords has not had an opportunity to devote that

attention and discussion to those important measures which they certainly demanded from one of the branches of Parliament. Now, this question has been brought up in the Imperial Parliament many times, and in the last 40 years committees have been appointed, in 1837, 1848, 1854, and one of the most important committees was appointed in 1861. A committee was appointed by the House of Lords and a similar committee by the House of Commons, but it was not a joint committee; but the two Houses authorized their respective committees to communicate with each other on the question which was submitted to them which was to secure some mode by which the dispatch of public business would be more satisfactory. The committee consisted of about 19 members of the House of Lords, including some of the most distinguished of its members, and I think 21 members on the part of the House of Commons, also composed of some of the ministers of the day and some of the most influential members of that Chamber. They held a long investigation and took a great deal of evidence on the point, including the evidence of the Speaker, the Clerk and such persons as were known to possess the best information with respect to the mode of procedure in the business of Parliament. It was a difficult subject, and the result was literally nothing. The two committees disagreed; certain suggestions were made by the committees of the House of Commons and House of Lords, and they were not approved of by the House of Commons. Then, again in 1869, a joint committee was appointed consisting of six members of the House of Lords and six of the House of Commons, and after a very long investigation and taking evidence on the subject which was referred to them, it resulted in, I think, only one measure which tended to originate more business in the House of Lords than before, and that was the one referred to by the Minister of Justice in his remarks in the debate on the motion of the hon. member from Niagara—that a committee should be appointed, by the two Houses, to select the private bills to be introduced in the House of Lords, and the House of Commons. The report of the committee was adopted, and bills have since been introduced in the Imperial Parliament accordingly. The objections to that mode, with respect to the business of our Parliament, it seems to me, were ably stated; it could not apply to legislation here, because it required that all the bills should be filed before the meeting of Parliament, and consequently no bills after that would be taken up by either branch of Parliament. When we take into consideration the fact that this question has been before the Imperial Parliament for the last forty or fifty years, that the ablest men there have been called upon to deal with it and to make such regulations as would, in a certain measure, reform or improve the mode of legislation in the Imperial Parliament, it is not surprising to me that, after an experience of only seventeen years, the Dominion Parliament should find it a very difficult question to deal with, and it will not do to throw blame here or there. It follows as a natural consequence of the system of legislation and of the powers and privileges of the two branches of Parliament.

I do not at all agree with some hon. members who think that the Senate is only a revising body. I entirely dissent from that proposition. We have powers, privileges and immunities which are given to us by the constitution of the land. Fortunately we have a written constitution, and it is not necessary to go back for centuries and search the archives to ascertain what the powers of the respective branches of Parliament may be. Our constitution clearly defines what the powers and privileges of this House are, as any hon. member will find by referring to the terms of the British North America Act, which is our charter; and I cannot see how anyone can arrive at the conclusion that we are simply a revising body. I will read the section which applies, and which confers, in fact, the powers and privileges of Parliament. It is a section which was amended by the Imperial Parliament, as some doubts were thrown upon its construction, and it will be observed by hon. members that the powers, privileges and immunities which are given to us by the British North America Act were defined by an Act of the Dominion Parliament. Under the British North America Act and that Act of the Canadian Parliament, we hold our

privileges and powers The section of the British North America Act to which I have referred is the 18th, which is as follows :—

"The privileges, immunities and powers to be held, enjoyed and exercised by the Senate, and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof."

I should like to ask the hon. members what distinction is there under that section of the British North America Act between the powers, privileges and immunities of the House of Commons and those of the Senate of Canada? There is no question, I suppose, that the passage of money bills, or levying of taxes and appropriation of money, ought, under the British constitution, to belong to the popular branch. Although the powers and privileges of the Senate are unlimited and are defined in the same terms as the privileges and powers of the House of Commons, the Senate has never attempted to interfere with that British principle that money bills, the imposition of taxes and the appropriation of money, belong exclusively to the House of Commons; but in every other respect, whatever the powers and privileges of the members of the British Parliament may be, the members of the Senate of Canada possess the same. I do not think that can be denied, and therefore I do not sympathize with those hon. members who take a pessimist view of the privileges and powers of the Senate of Canada. I trust that the committee which is to be appointed on the question now before the Senate will bear in mind these principles, that in any communication with the joint committee of the House of Commons they will in no way surrender the powers, privileges and immunities which this Senate possesses. I was on the former committee recommended by the Minister of Justice, and I have given this subject some consideration, and know that the committee which is about to be appointed are undertaking a task which will tax all their energies and knowledge. I may just refer for a moment to the reason why in my opinion, the private business goes to the House of Commons. It is well known that persons who are desirous of obtaining charters or acts of incorporation in any part of the Dominion, naturally go to the men to whom they have given their confidence by voting for them and constituting them members of Parliament. It is natural for persons who wish to obtain an act of incorporation, to go to those persons with whom they are acquainted, and whom they have placed in power; and I think, notwithstanding any investigation which may take place, that it will be found very difficult to recommend any mode by which parties who have bills to pass, or acts of incorporation to get, can be induced to come to the Senate first. With respect to the public business which devolves upon the Government of the country, is it not most natural that the heads of the Departments who are in the House of Commons, should be desirous of taking charge of and completing any bills affecting those Departments? To my mind it seems to be a natural consequence, and I cannot see that we can complain of it; and, further, I cannot see, after great reflection, how it is that you are going to complain of that system or change the mode of prosecuting the public business if the heads of the Departments have seats in the House of Commons. It seems to me, that renders this question very difficult. I trust, however, that the Committee will be able to point out some means by which the evils complained of can be remedied. I wish to say one word before I sit down with respect to the manner in which the business of Parliament is conducted here. I have met strangers, men of standing and character, who have come to Ottawa with a great desire to ascertain how the business of Parliament is conducted in Canada, and they have admitted that in no representative body that they have ever been familiar with, was the public business, not only in the House of Commons, but in the Senate, conducted with greater ability or a more evident desire to promote the public interest than in the Dominion of Canada, and I will challenge any independent person who has examined the manner in which legislation is conducted in the Senate of Canada, to say whether it is not managed in a way conducive to the public benefit, and every measure of importance discussed

with intelligence and with ability. That is my impression. I have not of late taken so much part in the discussions on bills, and therefore I may be permitted to express an opinion which does not affect myself. I have arrived at that time of life at which I have not the same ambition that I had before, and I do not attempt to take, even if I were capable of doing so, that active part in the business of the Senate that I used formerly to do; but my faculties are such that I can appreciate the manner in which other members of the Senate conduct the public business, and I can say, and I leave it to any disinterested man capable of judging to say, if there is any fault to be found with the way in which the public business of the country is conducted in this Senate. Therefore, I do not sympathize with hon. members when they say that the Senate is an effete body, or that it is only a revising body, and does not possess the full power to originate all but money bills. I make these observations in the hope that the Committee will find that they will be of some advantage to them in the performance of their duties.

Hon. Mr. BELLEROSE—I do not know that any member of this House has uttered words which would bear the construction placed on them by the hon. member who has just taken his seat. I am sure that no member of the Senate ever thought of stating that this Chamber, or the Upper House of any legislative body in the Empire, had no power to originate measures; but I know a gentleman of this House, who is not very far from my desk, who said the other day that he looked upon the Senate more as a revising body than anything else, and I believe if the arguments of the hon. gentleman are taken into consideration, it will be found that he has given the best proof of it. It is quite natural for the people to go to the branch that they elect. Why? Because they know that in due course, according to a law of nature, you go from below to above. You go to the inferior court first, and then you go to the court of appeal. Then, the system we have of the popular branch and the nominative body, shows that there must be more independence here, and, consequently, it is here that the measures passed in the other House have to be examined thoroughly and amended or adopted, as the case may be. There are many other arguments in support of my contention, so that while this House can originate any measures but money bills, it is quite natural that the Senate should be looked upon more as a revising body than anything else. My intention in rising now is to ask the Minister of Justice if he has any objection to give this joint committee, which is about to be appointed, power to see whether some means could not be devised to decide upon the constitutionality of private bill legislation coming to this Parliament? It is well known that many measures passed during the last sixteen years properly belong to the Provincial Legislatures. It may be said that this is an omnipotent government, but I do not believe that it is. We have the 91st and 92nd sections of the British North America Act, which positively state, that anything which is provincial should be dealt with by the local legislatures; and if that is violated I believe injustice is done. Some of the bills passed by the Dominion Parliament may create trouble in the future. Great powers have often been given by such legislation. We have passed Acts of incorporation for the construction of bridges over waters not navigable; suppose in such cases the proprietors of those charters were sued by wealthy men, and the question of the constitutionality of their acts of incorporation were raised, they might have to go from one court to another, until finally they reached the Privy Council in England. I believe, therefore, it is only a question of justice to which I am now calling the attention of the Senate, and that the committee should also devise some means by which, before a bill is introduced in either House, or at some early stage, it could be referred to a committee of both Houses to decide upon its constitutionality. Such a committee could be appointed every session, or for the whole Parliament, to sit during each session, to determine such questions and report to the House. I believe it would be a great advantage to the public. If this duty could be added to the others which are imposed upon this committee, I believe it would be a great boon to the public.

HON. MR. DICKEY—I rise, not for the purpose of discussing the motion before the House, which I hope is a step in the right direction, but to make a suggestion. The hon. member from Westmoreland has evidently studied this matter very closely, and, besides, it appears he was a member of a former committee on a similar subject; I should very much prefer to see the hon. gentleman placed on this committee.

HON. MR. BOTSFORD—Oh no.

HON. MR. DICKEY—Let my hon. friend hear me out. If any arrangement has been made by which the members are fixed at the number stated in this motion I am prepared to suggest that his name should be substituted for mine, in order that there might be no material change in the composition of the committee, and in order that the proportion of members might be observed.

HON. SIR ALEX. CAMPBELL—I think the hon. member from Amherst had better remain on the committee. I am sure that by doing so he would gratify even my hon. friend from Westmoreland, who has, in past years, discharged all the duties he owes to the state and is entitled to a holiday. In answer to my hon. friend from DeLanaudiere, I think this committee will have enough to do to attend to the matters which are referred to it, and that the subject which he has suggested can be dealt with at some other period.

The motion was agreed to.

BILL INTRODUCED.

Bill (94), "An Act to incorporate the West Ontario Pacific Railway Company." (Mr. Plumb).

CANADA TEMPERANCE ACT, AND LIQUOR LICENSE ACT, AMENDMENT BILL.

THE DEBATE CONTINUED.

The order of the day having been called for—

Resuming the adjourned debate on the Hon. Mr. Dickey's motion in amendment to the Hon. Mr. Vidal's motion for the second reading (Bill 92), Canada Temperance Act 1878, and The Liquor License Act 1883, further Amendment Bill.

HON. MR. SMITH said—I do not intend to detain the House long on this subject, but I think it my duty, when this Bill is before the Senate, to make a few remarks on the temperance question. I am sure that the members of this House, as well as the people generally—at all events the majority of the people of Canada—are in favor of temperance. Combined with other virtues it is an admirable thing for any public man to advocate; but temperance, combined with hardship and injustice, and total ruin to many of our fellow citizens wherever this Act is forced upon a municipality, is another matter. No matter how much ruin it may bring to many who have heretofore served their country faithfully, those temperance people do not hesitate to force their views, and enforce this Act at the sacrifice of vested rights, in many cases turning people from comfortable homes on to the road. I do not consider that temperance advocated and enforced in that way, is a virtue. If the temperance people would advocate their cause in a moderate way, I, as one who has served this country for upwards of 52 years, would be with them. Standing in my place here to-day I can say that I have never advocated intemperance. Although I have never been a tetotaller, I defy any man in this country to say that I have not always expressed myself in favor of temperance, and assisted that cause in every reasonable way; but I have never given my support to a wholesale measure to wipe out every man whose calling heretofore has been that of a dealer in liquor. The liquor dealer comes honestly by his business. His father before him, perhaps, kept a hotel in some part of the Dominion, where it was of good service to the travelling public before railroads were established in every part of the country. In those days taverns were a benefit: in fact, they were a necessity to the travelling public, and nothing was more cheering to the weary traveller than a comfortable hotel, with its bright log fire, open at all hours for his accommodation. Those temperate gentlemen who advocate this Act have themselves benefited by the old-fashioned

taverns that are by degrees going out of existence as the country is opened up by railways. The hotels of to-day were, in many cases, built and established by the capital acquired through hotel keeping by the fathers of the men who own them, yet in every part of the country, wherever the Scott Act is carried, these comfortable hotels, which did no harm, but supplied the traveller with necessary shelter and entertainment under license, are being closed, and their owners are being ruined. I say that those men are not to be despised or wiped out; I say that their interests ought to be protected; that they have a right to the protection of Parliament as British subjects, and if their business is to be destroyed they ought to have compensation. Many of them are turned out on the street; they have to lock their doors, and seek some other occupation, while their wives and families are virtually reduced to beggary. I say that this is a hardship to which they should not be exposed, and which would not be inflicted on them by any honest man, even to advance the temperance cause. Then we will take another class of people whose interests are affected by this Act—the brewers. They have invested an immense amount of money in their business in this country. When the Scott Act is adopted in a municipality it totally ruins the brewer. The banker says to him, "your credit is gone. I cannot discount any more of your paper. Your property will not be worth 25 cents on the dollar, or 10 cents on the dollar in some cases, of our first estimate, and we cannot advance you any more money." Yet all this is done in the name of temperance by men who pretend to call themselves the model men, the honest men of our country, men who pretend to teach the community all the virtues as well as temperance. Those men are ruining more people than hon. gentlemen are aware of. I know brewers who have had already to mortgage the houses they live in to raise money to carry on their business, in consequence of the injury done to it by the adoption of the Scott Act. It not only ruins the brewer, but it ruins every man who is depending for a living on the working of the brewery. It ruins the cooper who makes the barrels; it injures the man who cuts the staves in the woods; it injures the teamster, the book-keeper and every man connected with the business; it drives them out of the country to seek for work, and beggars some of them before leaving the country. Is this a desirable state of things? Temperance is a virtue that I admire. I would advocate temperance at the table; temperance in the pulpit; temperance in every school house, and in every social gathering; but the temperance that is built upon the downfall and ruin of a large class of respectable citizens is one that no honest man can admire.

HON. MR. FLINT—Hear, hear.

HON. MR. SMITH—My hon. friend who in his zeal cries "hear, hear," knows whether he was ever able to take his glass or run a distillery, or able to carry on a legitimate liquor trade. There are many gentlemen here who call out "hear, hear"—I will not say in this House—but there are many gentlemen occupying high positions in this country who owe their positions to the fact that their fathers before them made their money out of legitimate hotel business or in the liquor traffic. Those gentlemen say that they despise hotels, that they despise the taverns, and despise the brewer, and every man whose calling is in any shape or form connected with the liquor traffic. I say that the liquor dealers are a class that are not to be despised. The old-fashioned country tavern is going out of existence as the circumstances of the country no longer require it; and the Scott Act only drives it out a little ahead of time. The children of those tavern keepers are drifting into other callings and occupations, but the Scott Act cuts off their source of living for the present, and leaves their property worthless, and drives them out of the country to seek a living. These are facts that no man can deny. What is the necessity for this zealous advocacy of temperance? What is the necessity for the hon. gentleman from Sarnia to bring down this Bill with its nine amendments? It seems to me that he and his friends have in the Scott Act a very large engine, and they cannot work it, and they come here to Parliament to ask our assistance to run the machine. I say if it is a bad and unworkable machine, let us do no more harm to the country

with it than it has done, and let us all unite in some moderate scheme that will really benefit the country. I am one of the first that will join in any scheme to promote temperance by abolishing strong liquors, and permitting the use of beer and light wines. Let us have a universal law that will apply all over the Dominion, so that the people in one county will not be prohibited from using liquors while their neighbors on the other side of the concession can have it when they want it, while I at a distance can send all I want into either of them. To temperance men, who pretend to be the model men of the country, no other subject is of equal interest to this; they are now on the way to glory in the temperance cause, and, as I said before, I am prepared to meet them in a moderate measure that will permit the sale and use of beer and light wines. We have heretofore advocated immigration, and we have been paying a great deal of money to bring people into the country. Will the Englishman, who has enjoyed his pot of ale all his life, desire to come to a country where he cannot have his beer? Will the German come here who cannot have a glass of lager? Will the Scotchman want to come to our country, where he cannot have his toddy? and will the Frenchman come to a country where he cannot have a glass of light wine such as he has been accustomed to all his life? I ask you, as sensible men, is this country going to be governed by a few extremists who are on the road to glory in this temperance cause? Are we going to do ourselves an injustice? Are we going to injure the farmer, the mechanic and the brewer, and drive those people out of the country? What will they say of us? That we are men without courage or backbone, and that we bow to everything the temperance men thrust upon us, and dare not say "no." This Temperance Act not only affects the vested rights of the different classes that I have mentioned, but it also affects the revenue of the country to a greater extent than perhaps many hon. gentlemen imagine. First of all, it affects the farmer, because the moment the breweries are closed the farmer must stop growing barley; he will have no market for his grain, and he can do nothing with it but feed it to his hogs. He cannot grow barley at a profit unless it is grown for the purposes of malt. The farmer not only suffers loss in this way, but he suffers because of the deficiency in the revenue through the abolition of the liquor traffic. A revenue must be raised on other articles that the farmer and the mechanic use, and the deficiency will have to be met mainly by them. Where is the great necessity for this temperance movement? Our people are temperate in their habits. Take for instance the great annual exhibition at Toronto, where during the two weeks that it is held thousands of people are congregated, and you will not find that five per cent of them are drunkards. Last year, during the exhibition, there was scarcely a case of drunkeness the whole two weeks, and very few were seen at all the worse of liquor. I heard a person remark that while many thousands had been carried on the tramways in Toronto during that exhibition, not one drunken man was to be seen in the streets. It speaks well for the sobriety and morality of the people of this country, and shows that there is no necessity for this temperance crusade, and this demand for legislation. The country does not require it; it is doing harm to the people, and eventually we will be sorry for what we have done. Take the city of Toronto, with its 100,000 of a population, and I would like to ask if there is five per cent. of that population drunkards? I say that there is not, and you may take any town in the province, or from one end of the Dominion to the other, and you will not find that proportion of the people drunkards. In Ontario, you may see the people coming in from the country to the yearly exhibitions comfortably clad, apparently well fed, driving good horses and handsome carriages, the personification of health, happiness and good living. Are these the people that this Bill, with its nine amendments, is being asked for? The hon. gentleman who has charge of this Bill ought to accept some compromise that would be in the true interests of temperance. I think he ought not to act stubbornly; that he should say to the Senate, "I will accept any reasonable amendment to my Bill that will allow beer and light wines to be sold in a municipality where the Scott Act is in operation,

and in municipalities where the Act is likely to be brought into operation." I do not like the idea of throwing the Bill out altogether, because I have great respect for the temperance people; but I certainly cannot vote for those nine amendments, and if they are insisted upon, I shall have to vote for the amendment of the hon. gentleman from Amherst. I could give many illustrations that would show the great hardships that result from the adoption of the Canada Temperance Act, but I do not think it is necessary to do so. It might do some gentlemen, who are not here, a great deal of harm if I exposed some of the facts that have come to my knowledge, and I do not wish to do so.

HON. MR. ODELL—Can you give us any idea of the loss to the revenue by the operation of the Scott Act?

HON. MR. SMITH—If the temperance people obtain what they are working for, the loss of revenue in a short time will be very great—no doubt it will be equal to four or five millions of dollars.

HON. MR. DICKEY—It will be more than that.

HON. MR. SMITH—I am speaking moderately.

HON. MR. DEVER—It would be $6,000,000.

HON. MR. SMITH—I want to keep within bounds, but I dare say it may reach six or seven millions of dollars before long, and this deficiency will have to be made up; it will have to be levied on the country, and the farmer and the grain producer will have to sustain the additional burden.

HON. MR. ALEXANDER—The question under discussion is not the repeal or the continuance of the Canada Temperance Act of 1878. All the gentlemen who have been addressing the House have been addressing us as if the Bill before us was for the purpose of repealing the Act. It is merely a measure proposing some trifling amendments to the Act. I do not think it necessary to reply to the arguments of the hon. gentleman who has last spoken, whom we all respect, but I desire to refer to the temperance movement itself. I think we must all admit that the promoters of the temperance cause are sincere and zealous workers throughout the Dominion for the well-being of society, and they are a very large body. It is not for us to calculate whether they are one-fifth, or one-half of the population. They are a very large body from the most respected classes of society, at the head of which we have the bishops of the churches of England, and of Rome, and also the leading clergymen of the Presbyterian and other churches; and we are bound, when we observe the efforts put forth by the most earnest and most respected men in the country, headed by those churches, to give their demands the most favorable consideration. I say the Senate ought to pause, constituted as it is, before doing anything in this matter that would weaken the estimation in which it is regarded by the country. It is known to every member of this House that I am no teetotaler. I have all my life taken what I considered for my good, and I suppose having reached the age that I have, with the constitution I have, that I have not injured it; but while I do so, I feel the responsibility resting on me as a member of this body to advise the Senate to pause before adopting the motion for a three months' hoist submitted by the hon. gentleman from Amherst. I am surprised at a man of his age taking the responsibility of having his name go to the country as bringing forward a motion to discourage so excellent and so good a movement for the well-being of society.

HON. MR. DEVER—How can you vote to prevent other men from drinking if you drink yourself?

HON. MR. SMITH—It is some hours since he had a horn.

HON. MR. ALEXANDER—This Bill met with little opposition in the other Chamber, and none from the Government; and now, in this House, the leader of the Government here inspires the hon. member from Amherst to move the three months' hoist, and we have another member of the Government speaking against the Bill. In the other House the Premier

did not say one word against it and the Bill was accepted there. Would it be seemly for the Senate of Canada, which is not elected by the people and is independent of the popular voice, to take the responsibility of discouraging that body of temperance workers who we believe are acting in the right direction. If those amendments are thrown out it will not cripple to any extent the Canada Temperance Act, as I understand it. I ask the hon. friend from Sarnia is not that so?

HON. MR. VIDAL—The Canada Temperance Act would remain as it has been, but it requires these amendments.

HON. MR. ALEXANDER—It requires very little observation to see whence the opposition comes. The opposition arises because the first minister made one of the greatest mistakes of his public life in that License Bill, and he finds now that he has lost his prestige as a constitutional authority in the land. The Supreme Court has decided against him, and we have no reason to suppose that he will be so unwise as to appeal to the Privy Council of England. It is because of this they oppose this Bill. The present premier made a mistake, a most humiliating mistake, in bringing in that License Bill; he had no right to take the responsibility of legislating on such a subject. He had no right to introduce a measure which was intended to thwart the action of the provinces. Could anything be more calculated to bring about discontent between the Provincial and Federal authorities? Nothing could be more unstatesmanlike, and this House ought to condemn such an Act which was so unwise, and which the Supreme Court has declared to be unconstitutional. I wish to say, with sincere regard for the Senate, and the position which it should occupy in the estimation of the people, that if it should adopt that unwise amendment to give the three months' hoist to this Bill, it will create much feeling in the country.

HON MR. ALMON—Will the hon. gentleman give us his opinion about light wines and beer?

HON. MR. DEVER—Brandy would suit him best.

HON. MR. ALEXANDER—I have no hesitation in expressing the view which I entertain in regard to those. I can only say with regard to ales that when I go to Toronto, and ask for a glass of ale, I never get one that does not injure me. The ale made there is of a peculiar quality. Then, in Montreal there is only one ale manufactured that suits me. We know with regard to light wines that, for some cause which I cannot explain, we seldom get light wines of a good quality. It is exceedingly difficult to procure good wines, and there are only two firms which I know that make satisfactory importations, and such is the climate of the country that I do not think the people of Canada would take to light wines.

HON. MR. HAYTHORNE—I intend to follow on this occasion the course which I pursued when amendments to the details of the Scott Act came before the Senate. I supported the original Bill introduced by my hon. friend—the former Secretary of State, and on two occasions when hostile amendments to that Bill have been moved in this House, I have given my best assistance to voting those amendments down, and I did so on the principle that having passed the Scott Act we should give the originators of it every assistance to make it as perfect as possible; so that if it did not succeed, at all events those who devised it should not have it to say that it owed its failure to want of support in Parliament. I confess that I was dissatisfied myself, although I supported the original Bill, with some of its provisions, and looking at the matter since, and giving it additional study, I am not ashamed to say to-day that I feel regret that I did give it that original support. I say this, that if I had given as close study to the subject which the so-called Scott Act embraced at the time it was originally brought into Parliament as I have given it since, and if I had had the same opportunities for observation of its effects that I have had since, I should have voted against it. Hon. gentlemen are aware that in the province from which I come the three counties and one of the cities had embraced the Scott Act, and they are also aware that so generally did the inhabitants of that province consider that the Scott Act had failed to answer their expectations

that only the other day I presented in this House a petition signed by 5,700 voters of Prince Edward Island embracing some of the highest officials there, in the church, and in the state, praying for total prohibition—for all the Dominion if that could be granted, and if not prohibition applied solely to their own province. Now this I consider at all events relieves me from one very unpleasant duty which I otherwise should have had to perform in my place. That duty would have been to demonstrate here on the floor of this House how, in what manner, and to what extent, the Scott Act had failed in Prince Edward Island. That duty must under any circumstances have been unpleasant to me. Hon. gentlemen can easily understand that. It would not have been pleasant to stand here in my place and read extracts from newspapers, showing the state of temperance in the province and in the city. I am spared that unpleasant duty by the fact, as I have stated just now, that 5,700 voters of the province bear witness to the failure of the Scott Act, and confess that something more full and sure in its operations is necessary. I am prepared to admit that according to my belief the gentlemen who have been the principal originators of the Canada Temperance Act of 1878, and of the temperance movement generally in Canada, have acted with perfect sincerity. I would not, for a moment, wish to be understood as believing that the hon. gentleman from Sarnia has acted throughout on this subject from any motives except the most pure and philanthropic. I say the same of the hon. gentleman from Ottawa, but I fear that when they undertook to deal with this question they did not give it the full consideration which it ought to have received at their hands. I believe that they studied the question but superficially. They found themselves encountered with difficulties of the greatest variety and weight; and instead of attempting to master those difficulties, they adopted the heroic remedy of cutting them through with the sword. They failed to unravel the knot of difficulties they encountered at the outset, in dealing with the temperance question, and so they attempted to sever that knot with the sword; but every man is not an Alexander.

Hon. Mr. ALMON—We have only one Alexander.

Hon. Mr. HAYTHORNE—The remedy has failed. I feel, I am sure, in common with every one who may have undertaken to address the House upon this question, the great responsibility which devolves upon one in consequence of the vast number of petitions presented to us begging us to maintain the Scott Act in its integrity. I feel the responsibility myself, not only because many of those petitions have been presented by myself, but because I am aware of the fact that many people of my own province are wedded to legislation of some kind or other. The beau ideal of legislation up to the present period was the Scott Act, but I am quite convinced that they would be disappointed and perhaps disgusted if they should feel that I or any other member of the Senate should speak lightly or reflect in any way upon the numerous petitions which have been addressed to this body. I am of opinion that the first mistake which was made in dealing with the temperance question was this: that hon. gentlemen who advocated the Scott Act assumed that the evil which they sought to remedy could be dealt with by Act of Parliament. That I think was a grave error. In adopting that view they were beginning at the end instead of at the beginning of the question. They should have sought out the causes which produced the evil effects which they wish to remedy, and compared the prevalence of those causes in Canada with what might be observed in other countries where drunkeness did not prevail, but they failed to do so. They came to the conclusion that intemperance could be cured by Act of Parliament, and there they made what I conceive was a grave and important mistake. It is no wonder then, I think, looking at the early history of the Scott Act that we find it to be one, the leading principles and details of which are all open to grave objections. For example, I take it that the leading principle of the Scott Act is prohibition. That leading principle is one which, in my opinion, is open to very grave objection. It is an easy thing to put an Act upon the statute book and introduce clauses into it, but it is another

thing altogether to carry those clauses into effect, and is it not an evil thing to keep upon the statute book a clause, or a part of a bill, which we know cannot be put into operation? I think it is a great mistake. Now, this principle of prohibition is one which has been attempted in various times, and under various governments, to be carried into effect, but I cannot say that I ever heard a single well-authenticated case, nor can I recall one in any country with which I am familiar, where this principle of prohibition has been successfully carried out. I have frequently read of instances where even the greatest cruelties have been practiced with a view to carry it absolutely into effect; but as a general rule, I think it will be found that all attempts at prohibition have generally had this affect—that they have produced evils worse than the one they attempted to cure. That is my impression. If I can sustain that position in this House, I think it must be allowed that I have ventured boldly, weakly perhaps, to undertake to refute a leading principle which is finding very general favor in this Dominion. Well, I shall not undertake such an argument lightly or loosely, or without sufficient authority. It will be remembered by many hon. gentlemen, no doubt, that in the early years of the century, France and England were engaged in a war in which the very existence of our country was involved. I may say her independence and her mercantile supremacy were involved. Her enemy and neighbor, France, was at that time ruled over by the first Napoleon. Napoleon, on his part, finding it impossible to invade England, thought that if he could not land his victorious armies on her shores, he could, at all events, ruin her by destroying her commerce, by prevailing upon every country in Europe—and his influence was almost paramount in those days—by compelling those people to abstain from the use of English manufactures. It is a matter of history that in those days Napoleon's edicts dated from Berlin and Milan, ordered English manufactured goods wherever found in his dominions to be burned without reference to whose private property they were. England, on her part, was not slow in defending her manufacturers. She made contraband and subject to oppressive duties every article of French manufacture and produce—everything tasteful and beautiful in art of textile fabrics, and the well-known products of her vineyards and distilleries, was made contraband. Now, what were the consequences of this line of conduct in England? Did this prohibition on either side prove successful? By no means. I shall take the liberty to read to the House from one of the historians of of the times her description of England in the early part of this century. I quote from the authoress of 30 Year's Peace, Miss Martineau. She writes thus:

"There were strange doings by night in the creeks and hollow ways and caves of the southern coast, and a remarkable order of passengers by day in the packets from France."

This is a few years after the fall of Napoleon.

"Every now and then a fisherman's great boots were found to be stuffed with lace, gloves, or jewelry, or a lady's petticoat to be quilted throughout with silk stockings and lace. Here and there a nice looking loaf of bread was found to have a curious kernel of lace and gloves, and a roll of sail cloth turned out to be a package of gay lutstring.

"In the dead of night a large body of men would work for hours noiselessly in the soft sand rolling tubs of spirits and carrying bales of goods in the shadow of the rocks, and through tunnels, and up chasms, under the very feet of the preventive patrol, and within sound of the voice of the sentries!

"While this was going on on the English coast the smugglers on the opposite shore were engaged with much more labor, risk and expense in introducing English woolens by a vast system of fraud and lying, into the towns, past a series of custom houses!

"In both countries there was an utter dissoluteness of morals connected with these transactions. Cheating and lying were essential to the whole system, drunkenness accompanied it—contempt of all law grew up under it—honest industry perished, and it was crowned with murder."

I beg hon. gentlemen to pay particular attention to what follows, becauase it shows how necessary it is to begin at the beginning of these things, and if you allow children to grow up with improper surroundings it is pretty certain what the result will be:—

"Little children who lived near a smuggling haunt learned early to be sly, and to say anything that was convenient. Their mothers stole down to the sands at night to bring up light goods which they might hide in the rafters of their cottage, and spread temptingly before any foolish ladies within their reach. Or if they did not themselves meddle they

reproached their husbands for working at the plough or the anvil when certain neighbors could make a pocketful of money in a night. As for the men, they were tapping a cask of spirits when their work was done at dawn and passing the hours of daylight in a drunken sleep in some hidden place, instead of being at honest labor in the field, or in the shop. Then, if the expected boat did not come in, they would not meet for nothing, but go poaching in the nearest preserves. When detected, which was sure to happen pretty often, a conflict ensued and the newspapers of the day abound in notices of preventive men and smugglers being shot."

Now, hon. gentlemen, I think, will agree with me that this was a terrible state of things. It is quite true that the prohibition which I have described was not only a prohibition of wines and spirits but of other things; but it proves also that even in smuggling the laws of supply and demand are inexorable, and where the demand for spirits and wines exists, cost what it will, the demand will be supplied; and another point I wish to bring to the notice of the House is that this happened in a country of the greatest maritime power at that time in the world. If there was a country able to bring to bear the amplest means to prevent such breaches of her revenue laws, that country certainly was England. Nor were they remiss in applying all the powers they possessed to prevent smuggling. I am endeavoring to show what a hopeless task the enforcement of prohibition is. I will now read a few lines from the same authoress showing the cost of repressing the importations of prohibited goods, and the results which were obtained:—

"So late as 1832-33 the captures were 52 vessels and 385 boats engaged in smuggling; the cost of protecting the revenue at that time was between four and five hundred thousand pounds sterling. In 1831, were employed for the protection of the revenue, 51 cruisers, 1,500 officers and men on the coast-blockade service, and there was a coast guard besides with their cottages and establishments. The total annual cost of thus protecting the revenue may be estimated at not much less than one million sterling per annum."

Now, hon. gentlemen will see at once that the mere captures were by no means trifling; but, besides the number of vessels actually captured, how many vessels must have escaped, to make the thing profitable at all! It is pretty certain, I think, that here in Canada our coasts are just about as difficult to watch against smuggling and our boundary line as difficult to watch, as can possibly be conceived. I remember well, years ago, when my hon. friend from Sarnia and myself occupied seats at the far end of the House, that he brought forward a motion enforcing his views upon the temperance question, and endeavoring to induce the Government, led then by my hon. friend on my left, to do something in this matter. I saw myself, or fancied I saw, that the motion was likely to pass *sub silentio*, and although not particularly well posted in the question at that time, I ventured to rise after the hon. gentleman and express a few views pretty similar to those I have enforced by the extracts I have read to-day. I pointed out the great difficulty which must ensue in any attempt to carry a temperance law in Canada, from the impossibility of preventing smuggling; but hon. gentlemen may think that one swallow does not make a summer. That is an old adage, and there may be some truth in it, and I have only quoted an extract from one writer. I now quote an extract made from the *Times* newspaper of last autumn, about September, I think. The *Times* had a correspondent at that time, making a tour from the south and south-west of Ireland, and in a letter dated from Bantry Bay, September 29th, 1884, he wrote what I am now about to read. His remarks run in such an extraordinarily parallel line with those I have just read, that I think they are, perhaps, as convincing as anything can be to minds in an open and candid state. The correspondent of the *Times* writes as follows:—

"There are endless stories of smugglers (and wreckers). I have spoken to elderly people who have often gossiped with aged men who had made a business of smuggling up to the end of Napoleon's wars. Then in spite of the efforts of his Britannic Majesty's cruisers and revenue cutters, heavily armed French luggers, carrying clouds of canvass, were always swarming off the coast. They shirked fighting if they could; they fought their vessel to the last plank when they were cornered; and the dissipations of the county gentlemen of those days thus demoralized their peasantry and dependants. Fishermen were on the watch to put off at the signal lights; landsmen with red horses and ponies were in waiting to carry off the casks and kegs, and so many a cellar was chiefly supplied with the best of clarets and cognacs from the Charente."

It would be very easy to supplement these statements with numerous others to the same effect, but that I do not think is necessary. It must be obvious to every gentleman who will look the difficulty fairly in the face, that the principle of prohibition is one which it is almost impossible to enforce. We have had examples of that already on a small scale, in places where the Temperance Act was in operation, and it has already been seen that ways and means will be found, even in counties or municipalities where the Temperance Act has been put in force, of supplying the demand for liquor. If I had been present in my own province when the proposal for prohibition came forward I would seriously have sought an opportunity of meeting my fellow-countrymen on any platform which could have been found, to have laid such facts before them as I have now submitted to the House; so that if they still thought that prohibition was the sole remedy for intemperance they might seek it, but at all events they were warned of the impossibility of carrying such laws into effect. I think the difficulties which have been met with in the Canada Temperance Act have arisen from its original defective principle—this prohibition principle—and other important points have been set at naught. For example, one of the most important objections to the law is its interference with the liberty of the subject. Now, that above all things is a subject upon which it behooves every citizen to be watchful, and if it be the duty of the citizen, it is still more the duty of the member of Parliament, to guard it with jealous care. This liberty of the subject is a complex thing. It is divisible into quite a number of details. Some people, perhaps, who regard the subject superficially, whould say it has nothing whatever to do with the Scott Act; but I think that that would be a mistake. The liberty of the person, which we believe to be freedom from capricious arrest, is but one branch of the subject. Our freedom to write and speak is but another branch of it. As I have said, liberty is complex, and in no one of its details ought we to allow it to be infringed without remonstrance. In this case the infringement comes in the shape of an attempt to abridge our civil and plainly obvious right to use what kind of drink we please in a becoming manner. There is one point connected with this which I might as well mention now, and it is this: I have myself read a good deal of temperance literature, reports of temperance meetings, &c., and I have always found this peculiarity to prevail amongst them: the debates and the speeches are all on one side. Everyone at these meetings is of the same mind, and the consequence is that no one brings forward an opposition view of the question. This is, perhaps, owing to a certain amount of intolerance, which is not exactly peculiar to temperance people, because it is to be found elsewhere amongst other communities; but we know perfectly well, that on a temperance platform, if one were to appear there with a view of advocating an opposite course, to criticize the Canada Temperance Act for instance, and suggest that other measures could be devised which would answer the end more completely, that he would, perhaps, not meet such a reception as he hoped and expected.

HON. MR. PLUMB—He would be kindly kicked out.

HON. MR. HAYTHORNE—Oh, very kindly. Now, I think this is a thing to be deprecated, this same intolerance of the temperance people. For example, it is commonly to be found amongst their written articles that one of their greatest enemies is the moderate drinker, the man who drinks wine and at the same time is not a drunkard. Such temperate men are amongst the greatest enemies they have. That I have seen myself, and I think the experience of every gentleman here will bear me out—that is something which I think is most seriously to be deprecated, because amongst those men you would naturally expect to find the warmest and most sincere advocates of temperance. Yet such men are to be shut down from attempting to assist in a temperance convention, where the Scott Act is tolerated and nothing else. It just happens that these gentlemen have the case pretty much to themselves, and I fancy if the subject were investigated we should find that the vast numbers of signatures which have been added to petitions that have been laid before this House have

been obtained very much in that way—that the question has been presented to these sincere and well-intentioned people just from one aspect. They have been taught to believe that the object they seek to attain is one, not only of great importance to them individually, as parents and relations of persons who, they fancy, perhaps, are in danger, but that this manner of proceeding is the only one available. That, I think, has been a great mistake. There are other points in the details of this Temperance Act of 1878 to which I greatly object; one of them is the manner in which it is brought before the people. It seems to me that the Government should undertake the duty of dealing with a question of this sort, and say to Parliament that an Act to prevent the spread of intemperance has become necessary, and we must pass one and give it general application. The Canada Temperance Act of 1878, however, is a permissive law, and a permissive law will naturally be accepted with readiness by a community which is already temperate, and perhaps includes a large proportion of persons who have been pledged from a very early age against the use of any kind of liquor, many who have been abstainers for years, and others who, perhaps, are indifferent on the subject altogether. Such a community as that will naturally accept the Canada Temperance Act with readiness; but supposing the contrary state of things to exist. Take the case of a community which really requires this law, a community which, from some cause or other, enumerates amongst its citizens a large number of people much inclined to the use of liquor. In that case, it must be clear to everybody that the law is more needed than in the other; but such a community, which most needs it, would be the least likely to accept it. That is a great fault, and it seems to me it is the duty of the Government, if such a law is necessary, to introduce it and make it of general application. If the general sobriety of a community rendered it unnecessary, they would have no objection to it, but, on the other hand, if intemperance was so generally prevalent amongst a community as to require such a law, surely it is the duty of the Government to deal with such a case and provide the necessary legislation. Again, this law, supposing it to go into operation in a mixed community, where there is every variety of citizen to be found—the wealthy, the industrious and the poorer classes, a mixed community—what do we find? In such a community we find a considerable number of men of confirmed intemperate habits, and also a large number of respectable men who have been in the habit of using liquor in moderation. How does the law act in such a case as that? The temperate man, who uses liquor, we may presume is a good subject and will follow the old Roman precept to keep the laws—"a good subject is one who keeps the laws." The good subject, in this case, will religiously abide by the Scott Act, though he has to abridge his personal liberty. Intemperate men care nothing about it; they are ready and willing to take their glass as usual, and although the law does not punish them it punishes those who sell to them; nevertheless, the profits of the trade are so large that the intemperate men of the community can obtain all the liquor they want, while the temperate men, who do not violate the law, have to give up a luxury to which they had been accustomed. Now, is that the intention of the legislators who framed that Act? It is inoperative against those they wish to control; it is operative against those who need no control. Another objection is that this law creates a new crime altogether amongst us. We have had the legalized sale of liquor everywhere, and it may be one day legal and next day illegal to sell it. For example, supposing a municipality had the Canada Temperance Act in operation for a series of years; the period expires and the people petition against it; a poll is demanded and taken. Now, supposing that the Scott Act should be sustained by a single vote, it would be illegal to sell liquor in that community, but supposing the opposite to be the case, and the Scott Act is lost by a single vote, it would be legal to sell, so that what is made legal by a single vote might have been made illegal if that vote had been cast the other way. Now, is that something desirable to be accomplished? And yet the Scott Act has accomplished that. I know in the city of Charlottetown a very close vote was taken, not so close as the one I have supposed; something like 42 was the majority. I will tell the House how that

majority came to be obtained; it is this way—I have been credibly informed by citizens of that place that the majority would have been against the petition had it not been that all the really temperate people, whether they were imbibers or not, were conscious of the fact that if the petition was thrown out there would then be no liquor law of any sort or kind to take its place in that city, and the consequence might have been that the place might have become a pandemonium. For that reason, people voted in favor of the continuation of the law. I have already stated that another tendency of this Act, is to promote illicit trading, and that is one of the most serious objections to the law. The Senate should pause seriously before establishing finally and ultimately a state of thing which might bring about in Canada amongst our population such scenes as I have described this afternoon from English history. I do hope that great caution will be exercised before any such law is made permanent. I have said that I was a supporter of the Canada Temperance Act at its original introduction, and that I have supported it since, and that I intend to support the amendments which are before the House for the same reasons—that it shall have every chance possible and that it shall not leave any community, however small, without something to take its place —but I say this also, that I am so opposed to its principle and have seen its failure so conspicuously, that if the Government of the day would introduce a practical measure which, while repressing intemperance, at the same time abstained from outraging those principles of liberty and common sense which I think are outraged by this Act, I should certainly support it. It is perfectly clear that it will not do to abrogate the Act altogether, and I think it would be inexpedient to cripple the working of the Canada Temperance Act until its place is supplied by something else. It is an infringement of our liberties. It may perhaps be considered a very small infringement of our liberties to debar us from enjoyments to which we have been accustomed, but I think that besides the loss of the accustomed glass to those who have been in the habit of taking it temperately, we have to consider the principle involved as well, and we ought to take every means to prevent any infringement, however small, on our liberties as citizens. It is very true that we every day in the legislature impose, and our citizens submit to certain restrictions on their liberties, but those restrictions are always made for the good of the whole community. They are not made in any arbitrary way to deal with one class and not affect another; and therefore the people submit to them without hesitation. I think it is unjust to punish the liquor seller. If it is a crime to sell liquor, it seems to me that it is also a crime to drink it, and the same law which makes it a crime to sell, ought to make it a crime to drink, else there is a great inequality in the law. A man sells liquor, and he is punished for it; the man who drinks the liquor gets off free. Suppose, for a moment, you adopt a similar principle in criminal law, in that case you might punish the receiver of stolen goods, and let the thief go free? What sort of criminal law would that be? And yet the clauses of the Canada Temperance Act which punish the liquor seller, and let the drinker go free, seem to me to bear great analogy to that case. If we wish to remove the evil of intemperance from amongst us, we ought to begin at the foundation, seek out the cause of the evil, and use a united effort to eradicate it. If we look at some of the countries of Europe I think we will all admit, as the hon. gentleman from Ottawa admitted yesterday, that there was a time, not so very remote either — I think he mentioned twenty years—when the French and the Swiss were a temperate people, when they drank the wines of their own vineyards, and the spirits they consumed were distilled from the inferior quality of grapes, and the hon. gentleman, I think, plainly admitted that the French and the Swiss were temperate men under those circumstances. Now, let us see for a moment how those circumstances have changed, because this is a very important factor in the temperance question. We have imposed heavy duties on liquor through our excise laws for certainly more than a hundred years, and what has been the effect of it? The effect of it has been that attempts are being continually made, and in most instances successfully made, to adulterate liquors, and to sell cheap and noxious compounds in place of what is naturally not unwholesome unless it is

taken to excess, and notwithstanding this, the hon. gentleman from Ottawa says that now-a-days if we were to travel through the wine-producing districts of France and Switzerland, we should find, instead of the temperate population that there used to be, that they are the very reverse. I believe that the hon. gentleman assigned the true reason; that the drink which superseded the wholesome wines and brandy of the country was an artificial substitute, a noxious counterfeit, and therefrom arose the habits of intemperance which unhappily have sprung up in those countries. I would ask, does not that admission beg the whole question? If it be a fact that while using pure wine and pure spirits, the French and Swiss were a temperate people, and that under the opposite state of things, using artificial drinks and noxious compounds, they have become intemperate men, does it not follow that the remedy for intemperance is pure and unadulterated beverages? I think it is clearly, and therefore the efforts of this Government ought to be directed rather to the regulation of the liquor trade than to prohibition. The one is practicable, the other is impracticable. What is the case with reference to ordinary articles of consumption? For instance some peculiar form of disease or fever occurs in a city: the medical attendants trace the disease to impure milk; some greedy dealer or farmer has sold the milk of diseased cows, and in other ways it has been the custom to adulterate this article of ordinary consumption. What do we do in such a case? We enact laws for the inspection and analyzation of articles of common consumption, and if dealers are found infringing those laws we punish them. I am aware that those laws have been extended to spirituous liquors sold for consumption; but I am afraid that up to the present time they have very seldom been put in force.

The process of inspection that we have adopted with regard to ordinary articles of food and drink is a wise process, and if we had adopted a similar process with regard to liquor years ago we should be further advanced than we now are with regard to the temperance cause. If we wish to promote temperance we should begin at the foundation. We might copy with advantage the example of many of the nations in Europe who have made the amusements and the morals of the people, so far as liquor is concerned, and so far as their public demeanor goes, their study and work by legislation. We find that in those countries the education of the youth is very far advanced. Notwithstanding the great improvement in education in England of late years, we find that country scarcely compares favourably in that respect. I will read to hon. gentlemen an extract from an address of Sir Lyon Playfair's, to his Edinburgh constituents, showing what has been done for education in England and Scotland. I do not know that I can produce a higher authority on this point than Sir Lyon Playfair, who was a member of the House of Commons for many years. He was entertained at a public meeting at Edinburgh, and after quoting some statistical results relative to the decrease of mortality, of the school age, between five and ten years, in which it was stated that the mortality of boys had decreased 30%, and of girls 33%; and between the ages of ten and fifteen boys had a lessened mortality of 33%, and girls of 35%, he asks:—

> "What had come into existence in the life of the nation to produce such a remarkable reduction of juvenile mortality? He (Sir Lyon) knew of nothing except the introduction of a universal school system. They had gathered the children of the poor from the streets and alleys of our large towns, and from their over-crowded and insanitary homes, and placed them in well heated and ventilated school rooms. They had enforced on them habits of cleanliness and order, and the result had been, that though they had only intended to give them education, they had also given them increased health."

Now, is it conceivable that a boy or girl of fifteen, leaving one of those schools where they had obtained a good practical education, and where they had attained those habits which Mr. Playfair describes, would sink into the mire of intemperance which had been perhaps too common in their own homes, and in their own early experience? To my mind it is simply an inconceivable thing, and this I think is one of the means which must be sought for as promoting temperance. I think it was the hon. gentleman from Amherst, who spoke of the youth of Canada, and of the temperate habits of our people, and

the small amount of liquor which was consumed per head. I think it is a subject on which we can quite fairly congratulate ourselves, aud it is also a matter of congratulation that those schools and those methods of raising the character of the coming generation, which have been in operation for many years in other parts of Europe, are now generally adopted in Canada. But I think the hon. gentleman from Sarnia, and my hon. friend from Ottawa have been rather too hasty. They would not give time for those causes to operate upon the community. They sought rather to deal with a great and crying evil by a means which, in their judgment, was the best and only means, yet a means which experience has shown to be a failure. We should therefore proceed in the path we have been following, and by raising the tastes, increasing the culture of our people, give them tastes and habits which are altogether incompatible with intemperance. How could you expect a youth or a maiden who has been educated on the scale I have described—who has acquired some knowledge of music, and a taste for the fine-arts, could fall into the degraded state that I am quite sure my hon. friends would be only too glad to rescue them from, but I think they have mistaken the means.

HON. SIR ALEX. CAMPBELL—It is near six o'clock, and I think it would be better if the hon. gentleman would move the adjournment of the debate.

HON. MR. HAYTHORNE moved that the debate be adjourned until Monday next.

The motion was agreed to.

THIRD READING.

Bill (73), "An Act to incorporate the Alberta & Athabaska Railway Company." (Mr. Vidal) was read the third time and passed without debate.

The Senate adjourned at six p.m.

THE SENATE.

Ottawa, Monday, April 27th, 1885.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

THE NORTH-WEST REBELLION.

INQUIRY.

HON. MR. HAYTHORNE—I wish to ask the leader of the Government a question of which I have not given notice. It is whether, in the course of the unhappy troubles which exist in the North-West, any proclamation calling upon the rebels to lay down their arms and retire to their homes has been issued by the Government, or whether any encouragement has been held forth for them so to do?

HON. SIR. ALEX. CAMPBELL—No such proclamation has been issued, so far as I know. I have not heard of any.

PAWNBROKERS' BILL.

SECOND READING.

HON. MR. GOWAN moved the second reading of Bill (R), "An Act to make further provision respecting Pawnbrokers." He said: I hope, in a few words, to lay before you a brief Bill which I think will be found a desirable one in the interest of the administration of justice, and a necessary one to protect a class of persons who are ill able to protect themselves. It is an amendment in the Pawnbrokers' Act which provides in one of the clauses that where the sum loaned does not exceed 50 cents, the sum of $\frac{3}{8}$ of a cent. a month may be charged, and in another clause provides that if the sum exceeds $20 the pawnbroker may take upon all beyond that amount after the rate of 5 cents for every $4 by the month, and so on in proportion for any fractional sum. This enactment is found in the Consolidated Statutes of Canada cap. 61, in section 10 and the subsequent section, but there is no provision in that Act making it penal for the pawnbroker to take a larger amount than the sum

mentioned in the clauses. The clauses really have no meaning except as a direction, under the decisions of the courts, and have no practical value. Hon. gentlemen will be aware that the class of persons who resort to the pawnbroker to obtain temporary loans are the very humblest persons in the community, who often strip the clothes from their bodies in order to obtain the means of getting a meal, and a class of persons that require, more than any others, the protection of the law to prevent imposition upon them. They may be told, if they come in with a small article of three or four or five dollars in value, that they will be charged so much per month. They may be unable to compute how much that will be; they may be, and commonly are, ignorant of figures, and looking at the small sum that is named by the month, they may imagine that they are paying only a reasonable interest for the money borrowed. That class of persons require special protection, which the law at present does not give them. It has been said, and I think said correctly enough, that if you want to know a thing, speak to the man whose business it is; if you want to know the man speak to him of something else. Now, those who are engaged in the actual administration of justice frequently discover defects in the law which would not occur to those not so engaged. Judges not unfrequently, indeed, call attention to these defects in the judgments they are obliged reluctantly to give in administering the law. That has occurred in Ontario, in a case which came before the Hon. Chief Justice Cameron, upon this law. A pawnbroker in the city of Toronto had taken a much larger sum than he was entitled to receive, and he was bound over to appear. The proceedings were moved to a higher court, and in contending that he was not liable, Mr. Rose — I believe the present Mr. Justice Rose—urged that there was no offence triable by indictment or triable by a magistrate, as no penalty was fixed in the Pawnbrokers' Act. On the other hand, the Crown Attorney, while admitting that it was a very doubtful question whether an offence against the statute existed, admitted also that the question of criminality was very far from being free from doubt, but contended that it should not be summarily disposed of by the court. It was argued on both sides with great ability, and Chief Justice Cameron gave a most elaborate decision, the effect of which was to hold there was no limit, as between the borrower and the lender, as to any rate that might be agreed on between them; that whatever was agreed upon, if it could not be enforced, it was at least not a criminal offence, and he added these words, which I think are sufficient in themselves to commend the measure, which I have had the honor to introduce, to the favorable consideration of the House. He says:—

"Though it is not the province of a Judge to suggest what laws should be enacted or abrogated, it may not be out of place, as the Usury Laws were modified in favor of the poorer or needier classes, in the enactment of the law relating to pawnbrokers, to call attention to the fact, that those classes would seem to require some protection from the exorbitant demands of those who carry on that trade or business by the imposing of restrictions upon pawnbrokers, so as to confine their exactions upon necessity within something like reasonable bounds."

Now, that is what the Bill has proposed to accomplish, to confine the exactions upon necessity within reasonable bounds. I propose to do that by a short clause, only a few words, but still I think it will cover the grounds and will remedy the defect that now confessedly exists in the law. It has been discovered by judges, and anyone who takes the trouble to reflect a few moments on the subject may see it is really a radical defect in the statute. The law enacts that the pawnbroker is not to take more than a certain sum, but there is no sanction to that, and while the poor unfortunate man who has to borrow is liable to very severe penalties if he tampers with the ticket he receives, or interferes with the rights of the pawnbroker, on the other hand the pawnbroker can make any bargain he pleases and is not liable to punishment under the law. The penalty I propose in this Bill is as follows:—

1. Every pawnbroker who charges, in respect to any goods pawned, any higher rate than is authorized by law, shall, on summary conviction, be liable to a penalty not exceeding fifty dollars.

I insert $50 because that appears to be the usual larger limit in cases of summary proceedings, and is very nearly the same

as in several enactments of a somewhat kindred character; but if hon. gentlemen should think the penalty too large or too small, I am not at all indisposed to meet their wishes in respect to it; but I trust that I have said enough to commend the Bill on its merits to the favorable consideration of the House. The extract which I have read from the judgment of the Chief Justice of the Common Pleas, would of itself, I think, be sufficient to warrant that favorable consideration; and I may add that I have also heard from another judge, the Chief Justice of the Court of Queen's Bench, on the subject. He also favors this Bill and thinks it is a desirable one in the interest of the necessitous who have to resort to pawnbrokers.

The motion was agreed to and the Bill was read the second time.

HON. MR. GOWAN—The Bill is very short, only five lines, and if the House sees no objection perhaps I might venture to move that it be referred to a Committee of the Whole now.

HON. MR. POWER—I hope my hon. friend will postpone it until to-morrow. I think the principle of the Bill is good, but a doubt has been suggested as to whether it comes within our jurisdiction, and if my hon. friend has no objection, I should like to have an opportunity to look into that question.

HON. MR. GOWAN—I have no objection to postponing it.

The Bill was referred to a Committee of the Whole for to-morrow.

OFFENCES AGAINST THE PERSON BILL.

SECOND READING.

HON. MR. GOWAN moved the second reading of Bill (S), "An Act to amend An Act respecting Offences against the Person." He said: The necessity for this Bill is also suggested in cases which came before the courts showing a defect in the law. In a notable case, the Queen vs. Bissell, the court was divided, two judges of the court holding that the wife was not admissable as a witness in the case, while one dissented from it. The enactment upon which the question arose is found in the Act relating to offences against the person, and it touches the case where persons who are bound to do so fail to provide the necessary food &c. for their families, their wives and children, or where guardians fail to provide the necessaries of life for persons of tender years. A question was raised in the case to which I have referred whether the wife was admissable as a witness where the prosecution was against her husband for failing to support her. A very learned judgment was given by my friend the Chief Justice of the Court of Appeal, and the majority of the court held with him that she was not competent as a witness. The general principle of the law is that the wife is incompetent as a witness against her husband.

HON. MR. ALMON—Hear, hear.

HON. MR. GOWAN—If my hon. friend who says "hear, hear" had waited until the end he would have observed that there are exceptions. It lies with those who oppose to say if the case lies within the exceptions to the general rule, which are, "force or injuries to her person or liberty, forcible or fraudulent abduction, or inveigling into a marriage procured by friends." These are the admitted exceptions, but the Chief Justice goes on to say, "I have not met with any case where the charge was wholly of non-feasance, decided to be an exception to the rule. The complaint here was that he did not do that which he ought to have done, and which he was bound to do as a humane man, and as the father of a family and the husband of this woman." It was held in that case by the decision of the two judges that she could not be admitted as a witness, but the judge who dissented from them said:

> "The law under which the prisoner was indicted is, to my mind, a most wholesome enactment, and it must, in my opinion, in nearly every case like the present, be a dead letter, unless the wife, against whom the offence is committed by her husband, be permitted to testify against him."

I do not know that my hon. friend who said "hear hear," just now will find any comfort in that suggestion. It is held that

the wife is a competent witness against her husband—

"For the purpose of exhibiting articles of the peace against him, for assisting at a rape committed upon her, for assault and battery upon her, for maliciously shooting, for attempting to poison her, and for a conspiracy to carry her away."

These were substantially the reasons that were offered by the judge who differed from the majority of the court in holding that the wife was a competent witness, and he concluded with these words :—

"I do not think that we ought, by declaring the wife to be incompetent, to render the very salutory act under which the prisoner was convicted 'vain and useless.'"

In giving judgment the very learned Chief Justice of the Court of Appeal said—

"I am unable to satisfy myself that any of these authorities warrant my holding this case to fall within the exceptions to the general rule."

He referred to this as being a case of non-feasance—failing to do that which the law required him to do—and not an act of doing on the part of the person charged. "As a matter of opinion," he continues, "it might be wiser to allow the evidence;" and this is the point where, I think, I am strongly sustained in moving in this matter —"but, as Lord Blackburn said on this same point 'that is a matter for the Legislature and not for us.'"

That is the ground upon which I move. At present the law is that the wife is not admissable as a witness, the majority of the court held that she is not, and it is to enable her to be a witness that this bill is proposed, the case being exceptional and one involving matters peculiarly and specially within her knowledge. I may say that I had communication with the three learned gentlemen who occupy the highest places in the judiciary of Ontario—Chief Justice Wilson, Chief Justice Haggarty and Chief Justice Cameron—and they all think the measure a desirable and a salutory one. I think it is in itself sufficient to commend the measure to the favorable consideration of every member of the Senate, and I am not inconsistent in moving it as my hon. friend from Halifax would seem to indicate by his very emphatic "hear, hear," because it is purely an exceptional case, and entirely out of the line of cases that he would desire to prevent the evidence of the wife being given in.

HON. MR. ALMON—I move that the Bill be not now read the second time, but that it be read this day three months. This is a bill that revolts against the laws of God and the feelings of human kind. The law of God is that those whom God hath joined together no man shall put asunder. To compel a woman to give evidence against her husband is a breach of that law, because by doing so you separate them. Can they live together after she has given evidence against her husband? Does not every feeling of manhood revolt against the wife being obliged to give evidence against the man she has vowed to love, honor and obey? Are we to pass such a measure simply because Chief Justice So-and-so, and a late Judge of an inferior court here, tell us that instances have occurred in which such a thing is right? I say no, that we should not go against the law of God under any circumstances. We have already passed a law that if, where the Scott Act is in operation, a man sells a glass of cider, and the wife sees it, she shall be a compellable witness against her husband. That was due to the fanaticism of the moment, but that we, in cold blood, should pass a bill like this is something which cannot meet with my approval.

HON. MR. KAULBACH—Although I am not quite in favor of the Bill, I am opposed to the amendment. It is evident that there is a civil remedy against a person who fails to provide for his wife and family. The wife can claim support, and take action to have some person appointed to look after the persons who have been neglected, but I certainly cannot favor a measure which compels the wife to give evidence against her husband. I think it is quite right that the wife shall have permission to do so in such cases, but to compel her to be a witness is another matter. If she has really been neglected, and the husband has forgotten the ties which bind him to his wife and family, she no doubt would give evidence, but to force her to do so, it seems to me, is going a little too far. I agree with a great deal that has fallen from my hon. friend from Halifax, as to the tendency of

such legislation to loosen the family tie and create discord between husband and wife, and therefore I object to making the wife a compellable witness against her husband. If my hon. friend from Barrie would make it a permissive bill, I should have no objection to it.

HON. MR. POWER—I concur in the sentiments expressed by the hon. gentleman from Lunenburg. I think it might be better to modify the Bill so as to provide that the wife should be a competent, but not a compellable, witness. I do not think that the Bill is open to the objection taken to it by my hon. colleague, because already it is made a crime by statute to neglect to furnish one's wife with the necessaries of life, and although the wife cannot herself give evidence, she can promote the criminal suit against him for neglecting his duty. She is at liberty to call the children of the family and her neighbors, if necessary, as witnesses. The object of the court is to arrive at the truth; and as, particularly in matters of this sort, the persons directly interested are those who are most likely to know, and very often the only persons that do know the facts of the case, I think with a view to the information of the court it is desirable that the wife should, at all events, be a competent witness. I agree with the hon. gentleman who preceded me in saying that it was going too far to provide that she shall be compellable. On another point I think the Bill would be better if amended. No doubt it has recently been made a crime by statute to omit to provide the necessaries of life for one's wife, but it is not a common-law offence. It is not what is generally looked upon as a crime, and really, as a general thing, this criminal action partakes more of the character of a civil action. Now, I think that just as in cases of assault, adultery and other wrongs perpetrated against her by the husband, the wife is allowed to give evidence, she should be allowed to give evidence in this case also; and I think we should go a little further, and if the court are to hear the story told by the wife in this case, which is nominally a crime, but is really a civil action, the husband ought to be competent to testify on his own behalf, because his version of the story may put a totally different aspect on the case from the version given by her, and he may from the nature of the case be shut out from all evidence except his own. I think with the amendment suggested by my hon. friend from Lunenburg, and this further amendment, that the husband may be a competent witness on his own behalf, the Bill will be calculated to do a great deal of good. I think that this Bill and two others which we have had before us already go to show the wisdom exhibited by the Government in placing the hon. member from Barrie in this Chamber. From his position, my hon. friend learns what the defects are which the judges who are now on the bench find in the criminal law, and he is able from his own experience to recognize defects that have existed for some time. Legislation, such as he has introduced, is just the kind of work which is calculated to give this Senate weight and respectability through the country; and I think that measures of this sort do us a great deal more service in public estimation than debates, extending no matter how many weeks, on the general question of our utility.

HON. MR. GOWAN—I am very much obliged to my hon. friend, the senior member from Halifax, for his kind reference to myself. I hope that I am animated by the same feeling that fills him and my hon. friends opposite and every one in the House here, to assist, as far as I can, in putting on the statute book wholesome laws that I think commend themselves to me from actual experience. With regard to the motion which has been put by the junior member from Halifax, I would mention to him that there is on the statute book an enactment which is to the effect that everyone being legally liable as husband &c., to provide for his wife and others named, who wilfully and without lawful excuse, neglects to provide the necessaries of life, is guilty of a misdemeanor, and is liable to three years imprisonment. With regard to the suggestion of my hon. friends opposite, I quite admit that these points are debatable, and I intended myself, in committee, to have suggested something for consideration in that direction. I dare say that I shall not differ materially from them when the matter is disposed of in committee, but that does not touch the principle of the

Bill which I think every hon. gentleman here will hold to be a sound one, and I hope that the motion to give the Bill the three months hoist, which is rather an abrupt way of dismissing an effort to try to amend that which is pronounced defective by some of the best and most learned men of the country, is bordering upon obstruction. I would read a short extract from the judgment of Mr. Justice Armour :—

"It would be unreasonable to exclude the only person capable of giving evidence in certain cases of injury ; our law recognizes witnesses *ex necessitate*, and it would be strange indeed that the husband should be allowed to exercise every atrocity against the wife, and her evidence not be admitted."

I think that alone is sufficient to answer the motion to give this Bill a three months' hoist.

HON. MR. ALMON—That is to permit her to give evidence against her husband, but you say she should be compelled to give evidence. I do not see that the argument applies in the slightest degree to the Bill before us. I am no lawyer, however.

The amendment was declared lost on a division, and the Bill was read the second time.

WINNIPEG & PRINCE ALBERT RAILWAY COMPANY'S BILL.

SECOND READING.

HON. MR. GIRARD moved the second reading of Bill (91), "An Act to incorporate the Winnipeg & Prince Albert Railway Co." He said : The object of this Bill is to incorporate a company to construct a railway from a point on Lake Winnipeg, at or near Grand Rapids, to a point at or near Prince Albert, on the Saskatchewan River, in the district of Saskatchewan, and within the fifty-third and fifty-fourth parallels of latitude, with a branch to a point at or near Cumberland House. The capital stock of the company is $3,000,000, divided into $100 shares. There is nothing of a special or peculiar character about the Bill, and it is one which should receive the favorable consideration of the House.

The motion was agreed to and the Bill was read the second time.

HAMILTON PROVIDENT & LOAN SOCIETY'S BILL.

COMMONS' AMENDMENTS CONCURRED IN.

A message was received from the House of Commons to return Bill (J), "An Act to comprise in one Act a limitation of the Share and Loan Capital of the Hamilton Provident & Loan Society," with certain amendments.

HON. MR. TURNER—The amendments are very trifling, chiefly verbal. The first is in the name of the Act. The third clause is struck out as being unnecessary. Two clauses are added, which have been accepted by the applicants for the Bill. As the amendments strengthen the Bill in favor of the public, I move that they be adopted by the House.

The motion was agreed to.

CANADA TEMPERANCE ACT AND LIQUOR LICENSE ACT AMENDMENT BILL.

THE DEBATE CONCLUDED.

The order of the day having been called, resuming debate on the Hon. Mr. Dickey's motion in amendment to the Hon. Mr. Vidal's motion for the second reading (Bill 92), Canada Temperance Act 1878, and the Liquor License Act 1883, further amendment Bill ;

HON. MR. HAYTHORNE said :—When the House rose on Friday I was observing on the course which had been pursued by many nations of Europe, more particularly those in which the vine is cultivated, in attempting to elevate and refine the populations of their respective countries by education and culture ; by the latter term I mean capacity to appreciate and enjoy all that is beautiful in nature and art—painting, literature and architecture. It must be obvious that any people who are in this position with tastes such as I have described, or attempted to describe, is not a people that is likely to be addicted to the vice of intemperance—that this cause with other causes had the effect, in most European countries where the vine is grown, of producing a

temperate race. There may be exceptions at present, owing to other causes which were alluded to by my hon. friend from Ottawa, but these causes are not clearly attributable to the use of pure wines and spirits, but to adulterated imitations.

I may say it is a matter of congratulation that our young country is so far advanced in the same course, that she has devoted so large a portion of her resources to the education of her youth, both in the ordinary subjects of literature and ordinary education, and also in the fine arts: and that this, in connection with music and other things, will certainly have the effect of raising amongst us a generation taking greater pleasure in those things than in the wine cup. I may say that in my own province certain individuals have been identified with this movement as well as the local legislature. Speaking of the legislature first, I may say that for many years past—for five and twenty years or more—in that comparatively poor province a very large proportion of the revenue has been devoted to the free education of the people. A gentleman whose name stands prominent in connection with that legislature is one whose portrait forms part of the group in our outer hall, in Mr. Harriss' picture of the Quebec Convention; I allude to the late Hon. George Coles. He judging, I suppose, that ignorance and intemperance probably went together, made it his effort to raise the people he was called upon to preside over by placing general education within the reach of everybody. Some years later, another person, of whom I speak with greater hesitation, not because of the more limited scale of his operations, but because he is still a living man, and his sphere of usefulness has become more extensive—I allude to the Bishop of Charlottetown, Bishop McIntyre, and that high ecclesiastic has perhaps done more from private means and individual exertions than any orher person living: and there can be no doubt that the efforts which have thus been made in favour of education in the province of Prince Edward Island did accomplish their work fairly well, and did produce a great change for the better in the habits of the people. They became more refined, more accomplished, much less addicted to intemperate habits than they formerly were, and I think I may say confidently that things were working for good in that province until the introduction of the Scott Act and its failure there.

HON. GENTLEMEN—Hear, hear!

HON. MR. HAYTHORNE—It was because men who had been used to liquor more or less all their lives, finding obstacles thrown in their way in getting it, on some occasions took more than they otherwise would do, and the quality of the liquor being deleterious the effects produced were more obvious than usual. Those causes have made the vice of intemperance more prominent amongst us since the operation of the Scott Act than it was before. I can say myself from personal observation that the intemperate man is a more frequent object to visitors to Charlottetown now than he was before the Scott Act was on the statute book: and for the reasons that I have assigned. Such is the general opinion of the inhabitants of my province I affirm, and the best evidence I can bring forward is the testimony of the 5,700 who signed the petition which I presented to the House the other day. We find on occasions when populations of all classes meet together at industrial exhibitions, summer soirees and pic-nics, that we can meet and enjoy ourselves in a rational manner without giving way to the vice of intemperance; and that I attribute largely to the pains which have been taken in inculcating on the rising generation a higher taste than is to be found in the iudulgence of those habits. No doubt it has been expensive in many ways. I know my own province has spent, and is spending, a large proportion of its means in education; but I am of opinion it is money well invested. At all events, they have to a certain extent proved successful, and I think we would do well to pursue steadily the same course. I regard the Canada Temperance Act as rash in many ways, because it places the temperate, though not abstaning, portions of the community in antagonism to the avowed advocates of temperance. I would like to read to the House an extract that I took the other day from a Canadian newspaper called *The Week*. It is a quotation from the prose writings of Milton. I suppose I need say nothing of the high character of

the poet and statesman. His opinions ought to be worth something on a question of this sort, and I will make no apology for reading to the House this extract:—

"Were I the chooser," (says the author of the Areopagitica), "a dram of well doing should be preferred before many times as much the forcible hindrance of evil doing; for sure God esteems the growth and completing of one virtuous person more than the restraint of ten vicious. How great a virtue is temperance, how much of moment through the whole life of man! Yet God commits the managing so great a trust, without particular law or prescription, wholly to the demeanor of every grown man. For those actions which enter into a man rather than issue out of him, and therefore defile not, God uses not to captivate under a perpetual childhood of prescription, but trusts him with the gift of reason to be his chooser. There were but little work left for preaching if law and compulsion should grow so fast upon these things, which heretofore were governed only by exhortation!"

It seems to me that the sentiment contained in that extract is truly scriptural in its sense, and it is full of sound useful suggestions for any body of legislators who choose to accept it. Some hon. gentlemen who preceded me in the debate made some reference to sumptuary laws. I am not sure myself that the term is rigidly applicable to the Canada Temperance Act: but still it is worth while to make a short inquiry into the operation of those laws, and how and when they were in use. I can recollect myself two instances which I have come across in the course of my reading. I can recollect one in English history about the time of Queen Elizabeth, and one of her predecessors. It had reference to the head-gear of the people in those days; but it was not purely and simply a sumptuary law. It was in part a protective law. The head-gear of the lower order, the mechanics and apprentices, was then a very unpicturesque woolen cap; and at that time the use of felt hats, such as hon. gentlemen have seen in the engravings of the distinguished men in those days—Raleigh, for instance—was greatly preferred by all classes to the old-fashioned woolen cap. The industry in providing those woolen caps was decaying in some towns, and consequently Parliament passed a law to make it imperative on certain classes on Sundays and certain other occasions to wear those woolen caps. The law was found to be perfectly inoperative. It was enacted first for a period and subsequently re-enacted; but nobody recognized it. The people preferred the picturesque felt hat to the ugly and uncomfortable woolen cap. I recollect another instance in German history. I recollect that in the early days the burgher classes were prohibited from the use of velvets and jewels. I cannot speak with precision on this subject. I searched in the Library this morning in vain for a work referring to this subject, and failed to find it; and therefore I speak from memory on this matter; but I can say that the result of this line of policy was not what was anticipated. It is very true that the burgher classes had to abstain from the wearing of velvets and the use of jewels. Those were reserved for the use of the nobility and royalty of those days; but what kind of nobles were they? Freebooters, blackmailers, intemperate and illiterate; and for these men and the females of their families was reserved the use of velvets and jewels. What were the burgher classes? They were men from whom sprang first printers, amongst them were the sculptors, the poets, the painters, the artizans of the period. Which of the two were more likely to make their mark in history? Surely the burgher class who were forbidden to wear on their persons velvets and jewels; but they could not be prevented from improving and adorning the interior of their dwellings. They could furnish their book-shelves with books, and ornament the walls of their dwellings with paintings and sculpture. That was the result of the sumptuary laws of those days. An American poet, not so long since, visited the old town of Nuremburg, and closed his poem called Nuremburg the Ancient with these lines:—

> "Not thy councils, not thy Kaisers
> Won for thee the world's renown;
> But thy painter, Albrecht Durer,
> And Hans Sach thy cobbler Bard!"

Those were the men remembered in history and whose works the poet embodied in his lines—not the emperors and nobles, who, as I said before, were freebooters, illiterate blackmailers; but the

burghers themselves, against whom those laws were enacted.

HON. SIR ALEX. CAMPBELL—I thought Albrecht Durer was a worker in iron and wood.

HON. MR. HAYTHORNE—Albrecht Durer was a celebrated painter in Nuremburg. I occupied the time of the House the other day at very considerable length, and I am quite aware that the remarks I have been making are very much disconnected; and, in fact, it is a new thing for me to be addressing an audience on the temperance question at all; and for that reason I ought to make great apologies for the imperfections and possibly some of the ignorance I have displayed on this question. At all events, I will claim this for myself: it has not been my place to extenuate, but I have set down naught in malice. I have this to say, however, that the points to which I am now about to refer in the Canada Temperance Act, operate most strongly, in my mind, against it First, the undue interference with individual liberty; its interference also with vested rights and with honest labor and industry—the labor of the farmer in producing barley and the labor of the vine cultivator in producing wine. It interferes with those things in a most uncalled for and unnecessary way. They were alluded to by the hon. gentleman (Mr. Smith), who sits beside the leader of the Government, the other day in his address. Secondly, I object to it because it is operative against the sober man, and is inoperative against the drunkard. Thirdly, I contend it creates a new crime—the sale of liquor; it makes men forswear themselves, and become smugglers. Fourthly, its operation is optional—sober communities accept it; drunken communities reject it. Moreover, in this case the standard rule of communities under a responsible government does not seem to hold, that majorities are to govern; and in this case it is something more than a presumption that majorities do not govern. I say in conclusion, that though I am prepared to vote with the hon. gentleman who introduced this Bill to amend the Canada Temperance Act of 1878, I do so because I am aware that in the province from which I come the abrogation of this law means simply leaving the province without any Act to regulate the sale of liquors, and that consideration, in addition to other motives which have influenced me more strongly on former occasions than now, convinces me of the necessity of at least giving the temperance gentlemen every assistance in my power. But I add this with regard to my future conduct on this question; that I hold it to be the duty of the Government to deal with this question. I should hail with pleasure the event if I saw the leader of the Government, even in this session, announce his intention on a future occasion to deal with it; and if at the re-assembling of Parliament next year, he were to rise in his place and announce that it was the intention of the Government to introduce a practical working measure to Parliament to control intemperance in Canada, without interfering with public liberty, without committing themselves to all the objectionable features of the Canada Temperance Act, I should not only hail it with pleasure, but I should be prepared to say that it would have my earnest support.

HON. MR. DICKEY—I wish to make a statement which may perhaps save time. The amendment which is before the House is very much in the same line with the amendment which was proposed two years ago by the hon. member from Ottawa, with reference to the Liquor License Act, the difference being that that was an amendment proposing to refer it, before it went into operation, to the Supreme Court for decision as to its constitutionality; and this amendment asks the House to pause until we have the final judgment of the Privy Council in England. I have no fault to find with the hon. gentleman for bringing forward that amendment, and I should have been prepared to support that amendment had I been here and had it been proposed at the time when the question could have been considered by the Supreme Court. A strong appeal has been made to me on this question that the Bill before the House proposes to amend the Liquor License Act by striking out a clause which is said to interfere materially with the working of the Canada Temperance Act, if not to make it altogether nugatory as regards penalties. It is rather strange that we are asked to

consider that after the lapse of two years, because that provision in the Act, like the other provisions, was drawn by one of the ablest lawyers in the land, and was concurred in by others equally eminent, and was adopted, as I understand, by the temperance body itself. At the same time, we are called upon to consider the question before us in this light: this is a Bill which proposes to repeal that clause in the License Act and remove an impediment to the proper working of the Scott Act. It has been stated that a judicial decision has been given that the effect of that 145th clause in the Liquor License Act is to neutralize and render nugatory those provisions of the Scott Act which give a remedy, by providing the punishment for the illicit sale of liquor under the Scott Act. The question is still further complicated by the fact that since this has been brought before us proceedings have been taken in the other House by the Government, by the introduction of a Bill to this effect, that the operation of such portions of the Liquor License Act of 1883, and the Act to amend the Liquor License Act of 1883, as the Supreme Court has declared to be *ultra vires*, shall be suspended only and until the same be decided by the Judicial Committee of the Privy Council to be *intra vires* of the Parliament of Canada. This introduces a serious matter for the consideration of the House, because the subject has been pressed upon me; the effect of throwing out this Bill would be to leave the counties where the Scott Act has been adopted, entirely without any remedy to enforce the penalties in that Act, inasmuch as the suspension of that Act would suspend all the powers of the Liquor License Act, leaving nothing for the Scott Act to proceed with. In other words, I am called upon to face the serious responsibility of leaving the country practically without any law to regulate, in the Scott Act counties, the illicit sale of intoxicating liquors, and that has been produced by the reasons which I have stated. I hope I make the point perfectly clear, because I may, perhaps, repeat, we should be in a very anomalous position by leaving this 145th clause of the Liquor License Act in operation, which has been decided, as I understand, to neutralize entirely the effect of the regulations for enforcing the penalties of the Scott Act. Under those circumstances, after looking at the matter in every point of view, and with a desire to do my duty as a legislator in this matter, and a most important matter undoubtedly it is, I have come to the conclusion to ask the House for leave to withdraw the amendment.

HON. GENTLEMEN—Hear! hear!

HON. MR. DICKEY—Retaining, as I do, the strong opinions that I gave to the House on a former occasion, and which I humbly submit, without desiring to provoke any discussion, have not been met in any way; at the same time I am not prepared to take the responsibility of leaving a very large portion of this Dominion without some sort of remedy against the illicit sale of intoxicating liquors. At the same time, I reserve to myself full liberty, except as regards this repealing clause of the Act, to consider any other parts of the Act, and there will be also an opportunity afforded to any gentleman who wishes to introduce amendments to the Act. Having taken that course, I hope the House will concur in it, and will agree that it is on the whole, such a course as will commend itself to the feeling of members on both sides.

HON. SIR ALEX. CAMPBELL.—I concur entirely in the step which my hon. friend proposes to take. I think it would be a great misfortune, and one which the House would hardly take the responsibility of, if they allowed the state of circumstances to arise which my hon. friend contemplates, and which has induced him to take the course he has suggested to the House. I would add further, that I think it would be probably more convenient if my hon. friend from Barrie, who rose to speak, would allow the debate to rest now, as far as the second reading is concerned, and that when the amendments come to be offered, and those of them which may be offered to the House come up for adoption, we may continue the discussion on the principle of the Bill. I think that would be a more convenient way of carrying on the discussion, than to continue it on the second reading after the step which the hon. gentleman from Amherst has deemed fit to take, and

which the House, I am sure, will allow him to take.

The motion was agreed to, and the amendment was withdrawn.

HON. MR. DEVER—I was always under the impression that the principle of a Bill was decided upon at the second reading.

HON. SIR ALEX. CAMPBELL—By consent we can agree to let it be decided upon at the next stage.

HON. MR. DEVER—I wish to reserve my right to oppose the principle of the Bill.

HON. SIR ALEX. CAMPBELL—Certainly.

HON. MR. FLINT—I should like to ask the Minister of Justice if a discussion can take place on the Bill after it is reported from committee.

HON. SIR ALEX. CAMPBELL—I distinctly stated that it could be discussed on the third reading.

HON. MR. FLINT—Then I am quite willing to defer my remarks until the third reading.

HON. MR. POWER—I presume it is understood that any reasonable amendment may be moved in committee.

HON. SIR ALEX. CAMPBELL—Certainly.

HON. MR. SCOTT—It is quite open to anybody to move an amendment.

HON. MR. POWER—Hon. gentlemen will see that it is not quite open. There is one amendment which I thought should be moved to this Bill, and the best time probably to move it will be when the order of the day is called to commit the Bill.

HON. SIR ALEX. CAMPBELL—My hon. friend can do so then.

HON. MR. POWER—The amendment that I propose to offer is that in future elections under the Canada Temperance Act, there should be required at least a three-fifths vote to put the Act in force.

HON. GENTLEMEN—Hear, hear.

The motion was agreed to and the Bill was read the second time.

CONSOLIDATED RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (Q), "An Act further to amend the Consolidated Railway Act, 1879."

In the Committee, on the first clause.

HON. SIR ALEX. CAMPBELL—There are some railways which come under some of the clauses of the Consolidated Railway Act, and others which do not. That Act is divided into two large branches, the first consisting of the first 34 clauses of the Act, and the other from the 34th to the end. It is proposed to make all the railways of the Dominion subject to the Act, except the Government railways. The reasons for that will appear.

HON. MR. POWER—I thought that the Grand Trunk Railway did not come under the Consolidated Railway Act.

HON. SIR ALEX. CAMPBELL—Yes, the Grand Trunk Railway, the Great Western Railway and the Northern, whose charters were granted before the Consolidated Railway Act was passed.

HON. MR. POWER—I am not opposing this Bill, and I think probably it is a very good one; but there must have been some reason why these railway companies were excepted from the operation of the original Consolidated Railway Act, and the Act of 1879. I can understand that in the case of railways which had got their charters previous to the passing of the first Consolidated Railway Act of 1868, it would be felt that it was unfair to alter their position by subsequent legislation. Now, if that was true in 1868 and in 1879, I think before we pass this clause, the

Minister ought to give us some reason why it is not true now, and why what was deemed right in 1868 and 1879, by the same government that is now in power, has ceased to be right and proper.

HON. SIR ALEX. CAMPBELL—In the first instance, when the Act of 1868 was passed, these railways which were then in existence in the old Province of Canada—the Grand Trunk Railway, the Great Western Railway, and the Northern Railway—had their charters, which charters laid down the law under which their stock had been taken, and they had borrowed money, etc. They were excepted from the operation of the first Consolidated Railway Act. That Act was changed, but they were not brought under its operation, but they have been brought under the general law with reference to certain points, such as the height of bridges (the Act introduced by my hon. friend from Quinte), not affecting their rights in any way, but endeavoring to extend certain rules to them which were wholesome for all railways. On that, and two or three other points of the same character, these three railways have come under the general Consolidated Railway Act, but not with reference to other points in which they are interested. Now, with reference to this particular provision, the reason that they are included here is, that efforts may be made with reference to them as well as with reference to other railways, to enforce by provisions in that Bill agreements that they, and other railways, may have, for the purpose of interchange of traffic, or governing the times relative to railway trains, and the terms and conditions of any such arrangement that they may make. The proposition is, that where two railway companies that are connected with each other make an arrangement for interchange of traffic, and either of the companies fails to carry out the terms of the agreement, then the other company may apply to the Railway Committee of the Privy Council to enforce the terms of the arrangement. That is done in the interest of the public, and in order that the Railway Committee may be in a position to force them to carry out the agreement. There is no reason why the old companies should be exempt from a law of that kind. It has more or less been felt necessary, during some years, when disputes, upon these points have come before the Railway Committee, disputes which arise constantly and are brought before the Railway Committee, and they have not hitherto had satisfactory power to deal with them. This Bill is to give the Committee power to deal with these disputes in the interest of the whole community.

HON. MR. DICKEY—May I ask the leader of the Government whether in the legislation which brought these railways under the control of the Dominion Government, there was not provision made that they should be subject to the Consolidated Railway Act generally ?

HON. SIR ALEX. CAMPBELL—No, not to all the clauses of it ; only some.

HON. MR. POWER—I think, on looking at section 60, there does not seem to be much objection to its being adopted. There is one sub-section of it to which I wish to call the attention of the Minister, because it may possibly be productive of inconvenience and injustice. It should not affect existing contracts at any rate. The 3rd sub-section of section 60 of the Act of 1879, says :—

"Any railway company granting any facilities to any incorporated express company, shall grant equal facilities on equal terms and conditions to any other incorporated express company demanding the same."

Now, there are numbers of gentlemen here who are much more familiar with railway business than I am, but it occurs to me that sometimes railway companies enter into contracts with express companies to give them certain privileges on their lines, and that these contracts would be interfered with by this sub-section. I think it is perfectly right that in the future this should be the law, but I do not think that that sub-section should be allowed to interfere with existing contracts. For instance, supposing the Grand Trunk Railway have an arrangement with some express company as to the carrying of express freight over their road ; this express company may have entered into a written contract with the Grand Trunk Railway to forward their express matter by their line and to pay them certain rates, and I think it would not be well that our

legislation should affect any existing contract between the two companies.

HON. SIR ALEX. CAMPBELL—I agree in that, and I will inquire into it. I will not ask the Committee to report finally on that point. I move that the Committee rise and report progress.

HON. MR. HOWLAN, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again.

BILL INTRODUCED.

Bill (41), "An Act respecting Infectious or Contagious Diseases affecting Animals."—(Sir Alex. Campbell.)

The Senate adjourned at 4.50 p.m.

END OF VOLUME I.

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